

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 29.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA
Crl.O.P.No. 11109 of 2020

R.Againkumar ... Petitioner/Accused
Vs.

The State represented by,
The Inspector of Police,
Rathinapuri Police Station,
Coimbatore. ... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail, pending investigation in Crime No. 737 of 2020, on the file of the Inspector of Police, Rathinapuri Police Station, Coimbatore District.

For Petitioner : Mr.R.Chandrasekaran

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 04.06.2020 for the offences punishable under Sections 75(1)(c) of TNCP Act and 323, 506(2) of IPC as well as 4 of TNPH/W Act of IPC in Crime No. 737 of 2020 on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant viz., Pooja is that she has love with the petitioner and coming to know about the antecedents, the defacto complainant avoided the petitioner and wanted to get away from him. On 04.06.2020 at about 8.00 am the petitioner has called the defacto complainant over cell phone and informed to her to meet him at about 12.00 p.m., at Ananda Bakery, Sivanandha Colony. As per the instruction of the petitioner, the complainant went to the Bakery at 11.30 a.m., and at that time there was a wordy quarrel between the petitioner and the defacto complainant at that time the petitioner has abused defacto complainant in filthy language and pulled her saree and also threatened her. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner and the defacto complainant were in love with each other. On coming to know about it the parents of the defacto complainant objected to it and wanted her to avoid the petitioner and on their compulsion a false complaint has been given. He would further submit that the dispute has been compromised and on 06.06.2020, the defacto complainant had sent a letter to the Commissioner of Police, Coimbatore, accepting that she is having love affair with the petitioner and that she has given the complaint on 04.06.2020 to the respondent police only to threaten and advise the petitioner, and now the matter has been compromised. He would further submit that the petitioner is in judicial custody for 56 days, and major part of the investigation is over. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner and the defacto complainant were having love affair and later coming to know the character of the petitioner, the defacto complainant avoided him and the petitioner got enraged and on 04.06.2020, the petitioner has called the defacto complainant over phone and when she had come he had abused and intimidated her and pulled her saree. He would further submit that there are two previous cases pending against the petitioner and that the investigation is pending. However, he vehemently oppose to grant bail to the petitioner.

5. Taking into consideration of the facts and submission made by the learned counsel and also considering the fact that the petitioner is in jail from 04.06.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:-

(a) Accordingly, the Petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties, each for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Judicial Magistrate No.II, Coimbatore, within 15 days from the date of lifting of the lock down or the commencement of the Court's normal functioning, whichever is earlier, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 a.m., until further orders.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the Petitioner in accordance with law as if the conditions have been imposed and the Petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala** [(2005)AIR SCW 5560];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

29/07/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

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TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE NO.II,
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

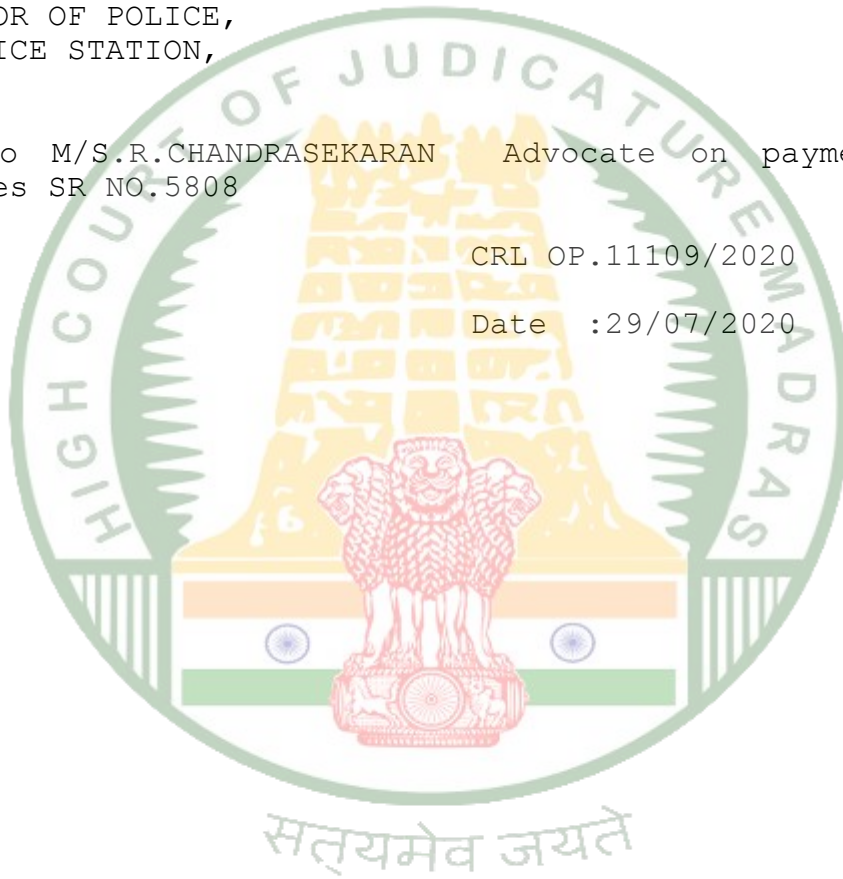
4 THE INSPECTOR OF POLICE,
RATHINAPURI POLICE STATION,
COIMBATORE.

+1CC to M/S.R.CHANDRASEKARAN Advocate on payment of
necessary charges SR NO.5808

CRL OP.11109/2020

Date :29/07/2020

MK:31/07/2020



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