

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.09.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.13626 of 2020

S.Sabari Greesan

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
D-1, Ramanathapuram Police Station,
Coimbatore District,
Crime No.1560 of 2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with case in Crime No.1560 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. W.Camyles Gandhi

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 27.07.2020 for the offences punishable under Sections 294(b), 324 IPC @ Sections 294(b), 307 and 506(ii) IPC, in Crime No.1560 of 2020, seeks bail.

2. The case of the prosecution is that the defacto complainant and his brother are running a pawn shop. Before the date of occurrence, A1 had gone to the shop of the defacto complainant in a drunken mood and handedover a silver ornament for pledging. Since A1 was in a drunken mood, the defacto complainant refused to receive the ornament. On the next day, A1 along with the petitioner had come to the shop of the defacto complainant and assaulted the defacto complainant using a sickle on the head and below his neck and caused injuries to the defacto complainant on his head and shoulder. The case was originally registered under Sections 294(b) and 324 IPC and later altered to Sections 294(b), 307 and 506(ii) IPC.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case since he happens to be the friend of A1 and even as per the FIR, the allegation against the petitioner is that he has accompanied A1 in his motor cycle. He would submit that the injured has been discharged from the hospital and meanwhile A1 had also been detained under Act 14 and the petitioner is in custody from 27.07.2020.

4.The learned Government Advocate (Crl. Side) would submit that A1 and the petitioner in this case had gone to shop of the defacto complainant for pledging a silver ornament in a drunken mood and when the same was refused by the defacto complainant, attacked him with sickle, causing injuries on his head and neck and the victim was discharged on 04.08.2020. He would submit that A1 was detained under Act 14 and the allegation against the petitioner is that he has abetted A1 in the offence and there is no previous case pending against the petitioner.

5. Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsel and the fact that A1 has been detained under Act 14 and that the allegation against the petitioner is that he has abetted A1 in the offence and that there is no previous case against the petitioner and also considering the period of incarceration suffered by the petitioner from 27.07.2020, 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 condition to execute 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 within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only), before the learned Judicial Magistrate - VI, Coimbatore, 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 on his release from prison, shall report before the respondent police everyday 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/-

03/09/2020

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

TRUE COPY

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

TO

1 THE JUDICIAL MAGISTRATE,
NO.VI, COIMBATORE.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
D-1 RAMANATHAPURAM POLICE STATION,
COIMBATORE DISTRICT.

+1 CC to M/S. W.CAMYLES GANDHI Advocate on payment of necessary charges SR.No.6118

CRL OP.13626/2020

Date :03/09/2020