

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.09.2020

CORAM :

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

Crl.O.P.No.14067 of 2020

Karthick

... Petitioner

Vs.

The State, represented by
Inspector of Police
M-4, Thudiyalur Police station,
Coimbatore District
(Crime No.1675 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1675 of 2020 on the file of the respondent.

For Petitioner : Mr.M.Vinoth

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 11.08.2020 for the offence punishable under **Sections 294(b), 324 and 506(ii) IPC, in Crime No.1675 of 2020**, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Manikandan is that on 08.08.2020, when he along with his friends was sitting near the house of the petitioner, at about 10 p.m., the accused had quarreled with him and also assaulted the defacto complainant and his friends with knife. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit the petitioner is an innocent and he has been falsely implicated in this case. He would submit that co-accused have been granted anticipatory bail by this Court vide Crl.O.P.Nos.13987 and 14033 of 2020 dated 03.09.2020 and 10.09.2020 and the petitioner has been suffering incarceration from 11.08.2020. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Criminal Side) would submit that during a quarrel, the petitioner along with his friend assaulted the defacto complainant and his friend with knife due to which, they sustained injuries. He would further submit that the injured has been discharged from the hospital. However, there is one previous case pending against the petitioner before the Devakkottai Police Station in Crime No.384 of 2017 and it is pending trial. Hence, he opposed for grant of bail to the petitioner.

5.Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and the fact that the injured has been discharged from the hospital and co-accused have been granted anticipatory bail by this Court and also considering the period of incarceration of the petitioner from 11.08.2020, 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;

(b) Thereafter, the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** with two sureties each for a like sum to the satisfaction of the **learned Judicial Magistrate-I, Coimbatore, within a period of two weeks from the date of commencement of the Court's normal functioning**, 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 daily 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/-
16/09/2020

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 COURT-I, COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT, CENTRAL PRISON, COIMBATORE

4 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
M-4, THUDIYALUR POLICE STATION,
COIMBATORE DISTRICT.

+1 CC to M/S M.VINOTH Advocate on payment of necessary charges SR.NO.6307

CRL OP.14067/2020

Date :16/09/2020

GKS:18/09/2020