



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.09.2020

CORAM :

WEB COPY

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

CRL.O.P.No.14304 of 2020

Psycho Karthi

... Petitioner

Vs.

STATE: rep. by
The Inspector of Police
Periyanaickenpalayam Police Station
Coimbatore
(Crime No.118 of 2019)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail, pending investigation in Crime No.118 of 2019 on the file of the Inspector of Police, Periyanaickenpalayam Police Station, Coimbatore.

For Petitioner : Mr.P.Sundara Rajan

For Respondent : Mr.S.Thankira
Government Advocate (Crl. Side)

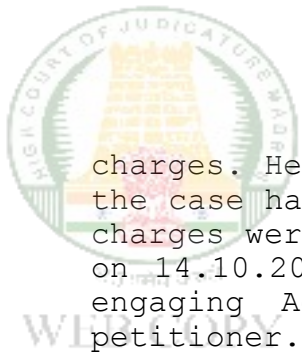
O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 20.01.2020 for the offences punishable under Sections 294(b), 506(2) and 307 IPC, in Crime No.118 of 2019, seeks bail.

2. The case of the prosecution is that on 21.04.2019, when the defacto complainant and his friends were coming along with Karupparaya temple, the petitioner had scolded them and assaulted them with bill hook, machete and that when the defacto complainant and his friends attempted to apprehend him, the petitioner ran away from the scene of occurrence. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that this is second application for bail and the earlier petition was dismissed by this Court on 24.08.2020 in Crl.O.P.No.12161 of 2020. He would further submit that in respect of a case registered by Virudhunagar Police, the petitioner was arrested on 10.10.2019 and when he was in custody, he was produced on P.T. Warrant on 20.01.2020 and he has been in judicial custody for more than eight months. He would further submit that the earlier petition was dismissed on the ground that the case was pending for framing of



charges. He would submit that now the charges have been framed and the case has been taken for trial. He would further submit that the charges were framed on 04.09.2020 and the case is posted for trial on 14.10.2020 and that the petitioner has to defend his case by engaging Advocate. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would vehemently oppose stating that the petitioner assaulted the defacto complainant and his friends on 21.04.2019 and after the occurrence, the petitioner was absconding. Later the petitioner involved in a crime registered by the Virudhunagar Police and when he was in custody, the respondent police have taken him into custody on PT warrant on 20.01.2020 and remanded to judicial custody. He would submit that though the incident had happened on 21.04.2019, the petitioner was arrested after five months on 10.10.2019. She would further submit that apart from the case registered by the respondent, the petitioner is involved in 4 other criminal cases out of which, 3 cases have been registered by the Tiruchuli Police, Virudhunagar District. She would submit that the trial Court has framed charges and the case is now posted for trial on 14.10.2020.

5. Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and the fact that the charges have been framed in S.C.No.32 of 2020 and also considering the period of incarceration suffered by the petitioner, 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 **a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties out of which, one shall be the relative of the petitioner**, each for a like sum to the satisfaction of the **learned Judicial Magistrate-V, Coimbatore, within a period of two weeks from the date of commencement of the Court's normal functioning**, and on further conditions that;

(b) 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;

(c) **the petitioner on his release from prison, shall report before the trial Court namely the IV Assistant Sessions Judge, Coimbatore, in S.C.No.32 of 2020, daily at 10.30 a.m. for a period of one month and thereafter on the dates fixed by the trial Judge.**

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



(e) the petitioner shall not abscond either during trial;

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

(g) on breach of any of the aforesaid conditions, the learned Trial Judge 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 Trial Judge as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

(h) 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/-
22/09/2020

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-V, COIMBATORE
- 2 THE IV ASSISTANT SESSIONS JUDGE, COIMBATORE
- 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI
- 4 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.
- 5 THE INSPECTOR OF POLICE,
PERIYANAICKENPALAYAM POLICE STATION,
COIMBATORE.

+1 CC to M/S.P.SUNDARA RAJAN Advocate on payment of necessary charges SR.NO.6402

CRL OP.14304/2020

Date :22/09/2020

GKS:24/09/2020