



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.14823 of 2020

SATHISH KUMAR

... Petitioner

Vs.

State rep. by
The Inspector of Police,
SULUR Police Station,
Coimbatore District.
(Crime No.1624 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner/accused on bail in Crime No.1624 of 2020 on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Ms.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 17.08.2020 for the offences punishable under **Sections 294(b), 324 and 307 of IPC, in Crime No.1624 of 2020**, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Kumarasamy is that on 16.08.2020, the petitioner had driven the two wheeler in a rash and negligent manner. When it was questioned by the defacto complainant and his father-in-law, the petitioner had assaulted them with sickle on the head causing injuries. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that the alleged victims are stated to have been discharged from the hospital and the petitioner is in judicial custody for more than one month from 17.08.2020. Hence, he prays for grant of bail to the petitioner.



4. The learned Government Advocate (Criminal Side) would submit that on 16.08.2020, when the defacto complainant questioned about the rash and negligent manner of driving two wheeler, the petitioner assaulted the defacto complainant and his father-in-law with sickle. She would further submit that the petitioner has got one previous case registered for offence under Section 302 IPC. Hence, she vehemently opposed for grant of bail to the petitioner.

5. At this juncture, the learned Counsel for the petitioner would submit that the petitioner is prepared to abide by any stringent condition and he is even prepared to stay away from Coimbatore.

6. Taking into consideration of the facts and circumstances and the submissions made by the learned counsels 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 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, Sulur, 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 stay at Madurai and report before the Inspector of Police, Thallakkulam Police Station, Madurai, 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/-
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, SULUR
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE
- 3 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.
- 4 THE INSPECTOR OF POLICE,
SULUR POLICE STATION, COIMBATORE DISTRICT
- 5 THE INSPECTOR OF POLICE,
THALLAKKULAM POLICE STATION, MADURAI

+1 CC to M/S. W. CAMYLES GANDHI Advocate on payment of necessary charges SR.NO.6367

CRL OP.14823/2020
Date : 22/09/2020

GKS:24/09/2020