

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.16160 of 2020

1.G.Murugan
2.Sathish
3.Vishnu

.. Petitioners

Vs.

State rep. by
Inspector of Police
Periyanaickenpalayam Police Station,
Coimbatore District.
Cr.No.1024 of 2020

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of their arrest in Crime No.1024 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.N.Ponraj

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 147, 294(b), 323, 324 and 506(ii) of IPC, in Crime No.1024 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant viz. Ganesamoorthy is that due to dispute in joining the party, the petitioners have assaulted the defacto complainant with knife, due to which, the victim sustained grievous injury.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case, due to political rivalry. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that due to dispute with regard to political rivalry, the petitioners have assaulted the defacto complainant and his friends with knife, thereby, the victim sustained injuries. He

would further submit that as far as the 1st petitioner is concerned, he has got seven previous cases to his credit and as far as the 3rd petitioner is concerned, he has got three previous cases against him and in respect of the 2nd petitioner, he has got no previous cases against him.

5. Taking into consideration of the fact that the 1st petitioner has got seven previous cases and the 3rd petitioner has got three previous cases, this Court is not inclined to grant anticipatory bail to them. Accordingly, the anticipatory bail application is dismissed as against the 1st and the 3rd petitioners.

6. Taking into consideration of the facts and circumstances of the case and also the submissions made by the learned counsels and considering the fact that the 2nd petitioner has no previous cases against him, this Court is inclined to grant anticipatory bail to the 2nd petitioner, subject to the following conditions:

a) Accordingly, the 2nd petitioner is ordered to be released on bail, in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy was made ready, before the learned Judicial Magistrate- V, Coimbatore, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the 2nd petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

[d] the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the 2nd petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the 2nd petitioner in accordance with law as if the conditions have been imposed and the 2nd 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition as against the petitioners 1 and 3 stands dismissed and this Criminal Original Petition as against the 2nd petitioner stands ordered.

-sd/-
13/10/2020

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.V,
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PERIYANAICKENPALAYAM POLICE STATION,
COIMBATORE DISTRICT.

+1CC to M/S. N.PONRAJ Advocate on payment of necessary charges SR NO.6903

CRL OP.16160/2020

Date :13/10/2020

MK:20/10/2020