

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.Nos.16644 & 16796 of 2020

Vijay ... Petitioner in Crl.O.P.No.16644 of 2020

Aakash ... Petitioner in Crl.O.P.No.16796 of 2020

Vs.

The State Represented by ... Respondent in both Crl.O.Ps
The Inspector of Police,
C-4, Rathinapuri Police Station,
Coimbatore District.
Crime No.949 of 2020.

Common Prayer: Criminal Original Petitions filed under Section 439 Cr.P.C. to enlarge the petitioners on bail in Crime No.949 of 2020 on the file of the respondent police.

In Both the Petitions

For Petitioners : Mr.M.N.Balakrishnan

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

COMMON ORDER

(These cases have been heard through video conference)

The petitioners were arrested and remanded to judicial custody on 04.09.2020 for the offences punishable under **Sections 147, 148, 294(b), 323, 324, 307 and 506(ii) of IPC**, in Crime No.949 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution as per the defacto complainant is that the petitioners picked up a quarrel with the defacto complainant and abused him in filthy language, assaulted him with machete and knife, thereby, they have caused grievous injuries to the defacto complainant and they have also threatened him with dire

consequences.

3.The learned counsel appearing for the petitioner would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that this is the second bail application and the earlier bail application filed by these petitioners was dismissed by this Court vide order dated 05.10.2020 in CrI.O.P.No.15622 of 2020, on the ground that both the petitioners have two previous cases. He would further submit that the petitioners are in custody from 04.09.2020 and the injured persons have been discharged from the hospital.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners have assaulted the defacto complainant with machete and knife and also inflicted grievous injuries to the victims. He would further submit that the petitioners are habitual offenders and apart from this case, the petitioners have been involved in two other cases, one in Crime No.1312 of 2018, which has been registered by the Saravanampatti Police Station and another one in Crime No.1416 of 2020, registered by the Thudiyalur Police Station. He would further submit that the petitioners were arrested on 04.09.2020.

5.Heard learned counsel on either side. Perused F.I.R. and other materials placed on record.

6.Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsels and also considering the period of incarceration undergone by the petitioners from 04.09.2020, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a separate 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-II, Coimbatore**, 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 petitioners on their release from prison shall report before the respondent police everyday at 10.30 a.m. and 5.30 p.m. until further orders.

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

(e) the petitioners shall not abscond either during investigation or trial;

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

(g) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, these Criminal Original Petitions are ordered.

-sd/-
04/11/2020

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-II,
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
C-4, RATHINAPURI POLICE STATION,
COIMBATORE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

+2 CC to M/S.M.N.BALAKRISHNAN Advocate on payment of
necessary charges SR.NO.7277, 7278

CRL OP.16644 & 16796/2020

Date :04/11/2020

TA-05/11/2020

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