

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.12.2020

CORAM :

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

CRL.O.P.No.20249 of 2020

1. Dokki @ Vijayakumar
2. Kalli @ Kannan
3. Jappan @ Hariharan

... Petitioners

Vs.

State rep. by
The Inspector of Police,
Ramanathapuram Police Station,
Coimbatore City.
(Crime No.59 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.59 of 2020 on the file of the respondent police.

For Petitioners : Mr.S.Mohamed Ansar

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

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 17.01.2020 for the offence punishable under Sections 75(1)(c) of TNCP Act, 323, 307 and 506(ii) of IPC @ 75(1)(c) of TNCP Act, 302, 323, 506(ii) r/w 34 of IPC, in Crime No.59 of 2020, on the file of the respondent police, seek bail.

2.The case of the prosecution as per the defacto complainant Logeshwaran is that he had been admitted in the hospital and the police had taken his statement on 16.01.2020 during which, he had informed them that he had come to Amman Kulam during Pongal vacation. Around 9.45p.m., he had gone to a shop and while he was returning home along with his friend, the accused had waylaid him and asked why he had brought persons from outside to play Kabaddi and started quarreling with him and also assaulted him and his friend with knife causing grievous injuries to them. Due to which, the friend of the defacto complainant Naveen Kumar succumbed to injuries.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the incident had happened during a sudden quarrel on account of Kabaddi Tournament and the petitioners were arrested on 17.01.2020 and when they were in custody, they were clamped with a detention order. Subsequently, the petitioners filed Habeas Corpus Petitions and petitions were allowed on 09.01.2020 and that the petitioners have been suffering incarceration for 328 days. He would further submit that the investigation has been completed in this case and final report has also been filed and the same has been taken up on file in SC.No.53 of 2020 on the file of the Additional District and Sessions Judge, Coimbatore, and that the petitioners have to engage Counsels to defend their case. Hence, he prays for grant of bail.

4.The learned Government Advocate (Criminal Side) would vehemently oppose stating that due to dispute in respect of Kabaddi Tournament, the petitioners waylaid the defacto complainant and his friend and attacked them indiscriminately with knives due to which, they sustained injuries and that the friend of the defacto complainant namely Naveen Kumar succumbed to injuries. He would further submit that the investigation has been completed in this case and the final report has also been filed and the same has been taken up on file in SC.No.53 of 2020 on the file of the Additional District and Sessions Judge, Coimbatore, for appearance of the accused. He would further submit that the first accused has got one previous case under NDPS and the 2nd and 3rd accused have got two previous cases against them.

5. At this, the learned counsel for the petitioners would submit that the first accused has got only one case under NDPS Act and that the 2nd and 3rd accused have got two previous cases of petty offences.

6.Taking into consideration of the facts and circumstances of the case and submissions made by the learned counsels and also taking into consideration the period of incarceration suffered by the petitioners, 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.15,000/- (Rupees Fifteen Thousand only), with two sureties each for a like sum to the satisfaction of the learned V Additional District and Sessions Judge, 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 learned V Additional District and Sessions Judge, Coimbatore, everyday at 10.30 a.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, this Criminal Original Petition is ordered.

-sd/-

18/12/2020

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 V ADDITIONAL DISTRICT AND
SESSIONS COURT, COIMBATORE.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
RAMANATHAPURAM POLICE STATION,
COIMBATORE CITY.

CC to M/S.S.MOHAMED ANSAR Advocate on payment of necessary charges

CRL OP.20249/2020

Date :18/12/2020