

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.20217 of 2020

AYYANAR @ SELVAM

... Petitioner

Vs.

State rep by
The Inspector of Police,
M-4, THUDIYALUR Police Station,
Coimbatore District.
(Crime No.119 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.119 of 2020 on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.T.Shunmugarajeswaran
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 03.12.2020 for the offence punishable under Sections 147, 148, 324, 307 & 506(ii) of IPC, in Crime No.119 of 2020, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 01.03.2020, while the defacto complainant and his friends were chatting in the occurrence place, the accused persons came there and picked up quarrel with them and assaulted them by using knife and wooden log and caused injuries to the defacto complainant and two others and also threatened them with dire consequences. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner/A2 is no way connected with the alleged offence and he has not committed any offence as alleged by the prosecution. He would further submit that some of the co-accused have been granted bail by this Court vide Crl.O.P.No.7284 of 2020 by order dated 08.05.2020 and yet another has been granted anticipatory bail by this Court vide Crl.O.P.No.No.9343 of 2020 by order dated 25.06.2020 and that the petitioner has been suffering incarceration from 03.12.2020 and hence he seeks for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that due to previous enmity, there was a wordy quarrel between the defacto complainant and the accused persons during which, the accused persons attacked the defacto complainant and two others with knife and wooden log and caused severe injuries. He further submitted that the injured persons have been discharged from hospital. However, he vehemently opposed to grant bail to the petitioner.

5.Taking into consideration the facts and circumstances of the case and the submissions of the learned Counsels and the fact that the co-accused in this case have been granted bail and anticipatory bail by this Cour and also considering the period of incarceration suffering 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 each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, 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 petitioner on his release from prison shall report before the respondent police everyday at 10.30 a.m. until further orders.

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

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

(f) the petitioner 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 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];

(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/-

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 JUDICIAL MAGISTRATE,
NO.I, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
M-4 THUDIYALUR POLICE STATION,
COIMBATORE.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

CC to M/S W.CAMYLES GANDHI Advocate on payment of necessary charges Sr.8413

CRL OP.20217/2020

Date :18/12/2020

RVR 21/12/2020

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