

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2021

CORAM :

THE HON'BLE Mr. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.67 of 2021

1.Rajesh @ Smell
2.Santhoshkumar

... Petitioners

Vs.

State Rep. by
The Inspector of Police,
Perur Police Station,
Coimbatore District.
(Crime No.1184 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.1184 of 2020 pending on the file of the Respondent.

For Petitioners : Mr.W.Camyles Gandhi

For Respondent : Mrs.M.Prabhavathi,
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 26.11.2020 for the alleged offence punishable under Sections 294(b) and 307 of IPC in Crime No.1184 of 2020, seek bail.

2. The case of the prosecution as per the de facto complainant is that the petitioners are alleged to have intercepted the de facto complainant's husband and demanded money for consuming liquor, when he refused to give money, the petitioners are said to have assaulted him with knife and thereby, caused injuries to him. Hence, the complaint.

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 submit that the petitioners are in judicial custody from 26.11.2020 and hence, he prays to grant bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that the petitioners, who are habitual offenders, waylaid the husband of the de facto complainant and demanded an amount of Rs.500/-, when he refused to give the same, the petitioners attacked him with knife and caused injuries. He would submit that the injured has been discharged from the hospital.

5. Taking into consideration the facts and circumstances of the case and the fact that the injured has been discharged from the hospital and also considering 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.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate-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 petitioners, on their release from prison, shall report before the respondent police every day 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/-
07/01/2021

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 SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
PERUR POLICE STATION,
COIMBATORE DIST.

+1CC to M/S.W.CAMYLES GANDHI Advocate on payment of
necessary charges SR NO.188

CRL OP.67/2021

Date :07/01/2021

MK:08/01/2021

WEB COPY