

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.722 of 2021

Gowtham

... Petitioner

-Vs-

State rep by its,
Inspector of Police,
Rathinapuri Police Station,
Coimbatore District.
(Crime No.949 of 2020)

... Respondent

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioner on bail in the event of his arrest in Crime No.949 of 2020 is pending on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The case has been heard through video conference

The petitioner, who apprehends arrest for the alleged offences 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, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity, there was a wordy quarrel between the petitioner and the defacto complainant, pursuant to which, the petitioner along with other accused persons had abused with filthy language and also assaulted the defacto complainant with Aruval and thereby the defacto complainant sustained injuries. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with this crime and he has been falsely implicated in this case. He would further submit that there is no specific overt act attributed against this petitioner. He would further submit that co-accused have been released on bail by this Court in Crl.O.P.Nos.16644 & 16796 of 2020 dated 04.11.2020. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that due to previous enmity, there was a wordy quarrel between the petitioner and the defacto complainant, pursuant to which, the petitioner along

with other accused persons had abused with filthy language and also assaulted the defacto complainant with Aruval and thereby the defacto complainant sustained injuries. He would further submit that there are totally seven accused persons involved in this crime and the petitioner is ranked as A6. He would further submit that co-accused have been released on bail by this Court in CrI.O.P.Nos.16644 & 16796 of 2020 dated 04.11.2020. He would further submit that the injured person has been discharged from the hospital and there is no previous case pending as against the petitioner.

5. Considering the facts and circumstances of the case that the co-accused were released on bail by this Court and the injured person has been discharged from the hospital, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the 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 made ready, before the learned Judicial Magistrate-II, Coimbatore, on condition that the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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.

[b] the petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders.

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

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned 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].

[f] 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/-

04/02/2021

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.II, COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
RATHINAPURI POLICE STATION,
COIMBATORE.

CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary charges Sr.1121

CRL OP.722/2021

Date :04/02/2021

RVR 11/02/2021