

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 19.04.2021

CORAM

THE HONOURABLE MR. JUSTICE **M.DHANDAPANI**

CrI.O.P.No.7248 of 2021

Siddiq Basha ... Petitioner

Vs.

The State Represented by :-
Inspector of Police,
Pollachi East Police Station,
Coimbatore District.
Crime No.76 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C., praying to enlarge the petitioner/accused on bail in connection with the crime No.76 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.R.Nalliyappan

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

The petitioner who are arrested on 21.02.2021 for the offence under Section 294(b), 323, 307 of IPC in Crime No.76 of 2021, on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the petitioner along with other

accused persons picked up quarrel with the victim and assaulted him by using knife and caused grievous injuries to the victim.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he is nothing to do with the alleged offence as stated by the prosecution and he is in custody from 21.02.2021. Hence, he learned counsel prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that due to wordy quarrel, the petitioner and other accused persons have attacked the defacto complainant and caused injuries. There is no previous case against the petitioner and the injured person has been discharged from the hospital.

5. Considering the facts and circumstances of the case, the petitioner having been under incarceration for more than 60 days in prison and the injured person has been discharged from the hospital, this Court is inclined to grant bail to the petitioner with following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his

executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate-I, Pollachi, and on further condition that:

(a)the sureties shall affix their 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 is directed to appear before the respondent police daily morning at 10.30 am 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 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]***; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered

under Section 229-A IPC.

19.04.2021

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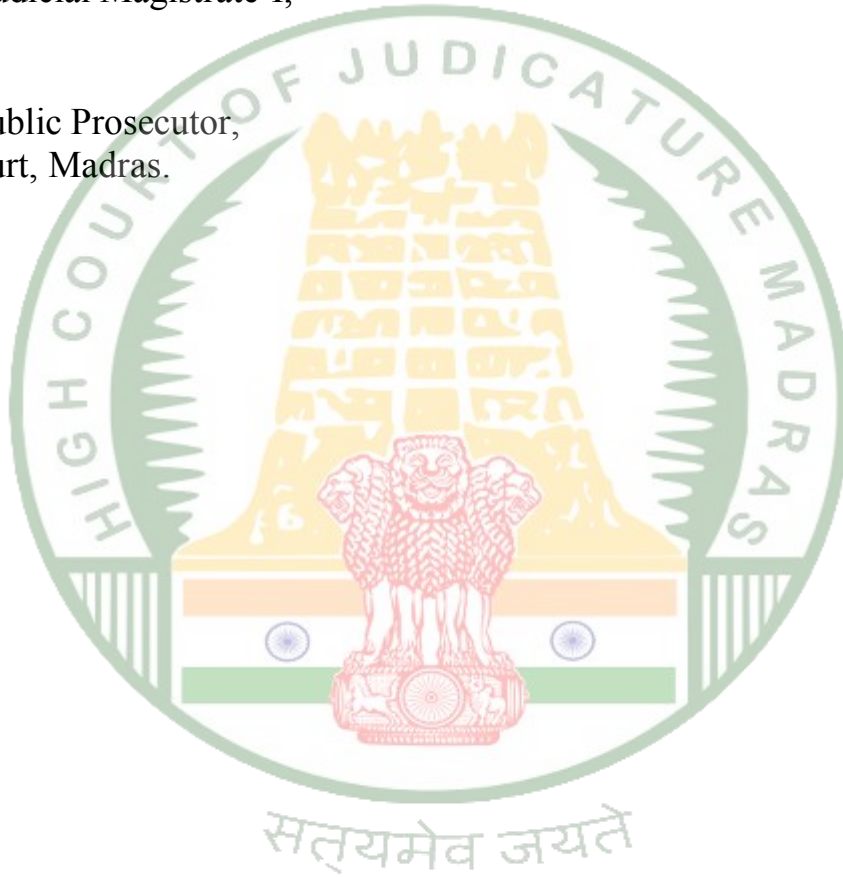
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To

1. The Inspector of Police,
Pollachi East Police Station,
Coimbatore District.

2. The Judicial Magistrate-I,
Pollachi.

3. The Public Prosecutor,
High Court, Madras.



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M.DHANDAPANI,J.

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