

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.06.2021

CORAM :

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.10087 of 2021

1.Vikki @ Vishnu Prasad
2.Chinnu

... Petitioners

Vs.

The Inspector of Police,
Rathinapuri Police Station,
Coimbatore
(Crime No.359 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.359 of 2021 on the file of the respondent police.

For Petitioner : Mr.R.C.Paul Kanagaraj

For Respondent : Mr.E.Raj Thilak
Government Advocate (Crl.Side)

O R D E R

(The case has been heard through video conference)

Heard both sides.

2. The petitioners, who were arrested and remanded to judicial custody on 21.04.2021 for the offences punishable under Sections 294(b), 307 and 506(ii) of IPC in Crime No 359 of 2021 on the file of the respondent police, seeks bail.

3. The case of the prosecution is that due to wordy quarrel between the petitioners and the defacto complainant the petitioners attacked the defacto complainant and caused injuries. Hence, the defacto complainant had lodged a complaint before the respondent police.

4. The learned counsel for the petitioners submitted that the petitioners no way connected with the offence and they have been falsely implicated in this case and and hence, the petitioners may be granted bail.

5. The learned Government Advocate (Crl.Side) submitted that there is three previous cases against the petitioners. He further submitted that the injured has been discharged from the hospital.

6. Considering the facts and circumstances of the case and also considering the fact that the injured has been discharged from the hospital, this Court is inclined to grant bail to the petitioners with certain conditions.

[a] Accordingly, the petitioners are ordered to be released on bail on condition that they shall execute their own bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each before the Superintendent of the concerned prison;

[b] thereafter, the petitioners shall execute two sureties each for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate within a period of fifteen days from the lifting of lock down and commencement of regular functioning of the Court below, failing which the bail granted by this Court shall stand dismissed.

[c] 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.

[d] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioners shall not abscond either during investigation or trial.

[g] 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
09/06/2021

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 SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
RATHINAPURI POLICE STATION,
COIMBATORE.

CC to M/S. R.C.PAUL KANAGARAJ Advocate on payment of necessary charges

WEB COPY

CRL OP.10087/2021

Date :09/06/2021

cs 10/06/2021