



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.12542 of 2021

R.Rajesh

... Petitioner

Vs.

The State Represented by
The Sub Inspector of Police,
R.S.Puram Police Station,
Coimbatore District.
Crime No.1307 of 2020.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in connection with the case in Cr.No.1307 of 2020 pending investigation on the file of the respondent Police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.A.Gopinath
Government Advocate (Cr1 side)

ORDER

The petitioner, who was arrested on 15.11.2020 and remanded to judicial custody for the offences under Sections 302, 120(B) and read with Section 302 of IPC in Cr.No.1307 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the brother of the deceased. On 14.11.2020, the petitioner along with other accused persons, assaulted the victim by using knife. Due to which, the victim died in the hospital. Based on the complaint lodged by the defacto complainant, the respondent police registered a case against the petitioner and other accused persons.



3. The learned counsel for the petitioner submitted that the petitioner is innocent person and he is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 15.11.2020. He further submitted that the co-accused has been arrested and enlarged on bail. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that due to previous enmity, the petitioner along with other accused persons attacked the victim with knife and caused his death. He further submitted that the investigation has been completed and charge sheet has filed in PRC. No.4 of 2021 before the learned Judicial Magistrate-I, Coimbatore. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts of period of incarceration suffered by the petitioner and investigation has been completed and charge has also been filed and also the present COVID-19 pandemic situation, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent, Central Prison, Coimbatore, in which the petitioner is confined and on such execution the petitioners shall be released from prison;

(b) Within a period of four weeks after the release, the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate-I, Coimbatore;

(c) In case of any difficulty in executing the said bond along with the sureties before the concerned Magistrate within the time stipulated above, the petitioner is permitted to file appropriate petition within a period of four week therefrom before the concerned Magistrate for extension of time for executing the bond along with sureties and if any such application is filed, the concerned Magistrate shall decide on the grant of extension of time for accepting the bond and sureties in accordance with law. Failing filing of any such application within the time prescribed above, the bail granted by this Court would stand automatically vacated.

(d) 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;



(e) the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders and the petitioner shall appear before the trial Court on each and every hearing;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

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

(h) 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]; and;

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
20/07/2021

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 SUB INSPECTOR OF POLICE,
RS.PURAM POLICE STATION,
COIMBATORE DISTRICT.

+1 CC to M/S W.CAMYLES GANDHI Advocate on payment of necessary
charges SR.No.7570

CRL OP.12542/2021

Date :20/07/2021

cs 22/07/2021