



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.13050 of 2021

P.Pasumponkumar @ Kumar

... Petitioner

Vs.

State rep, by
The Inspector of Police,
C-1, Kattor Police Station,
Coimbatore District.
(Crime No.1283 of 2020)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C, prayed to enlarge the petitioner on bail in the event of his arrest in connection with in Crime No.1283 of 2020 on the file of the respondent police,

For Petitioner : Mr.V.R.Appaswamee

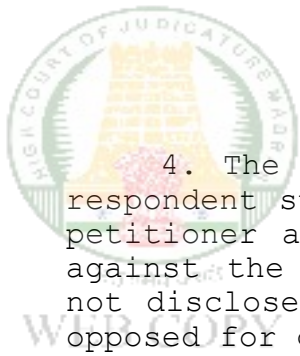
For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 147, 148, 34, 120(B), 302 and 506(ii) of IPC, in Crime No.1283 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was a previous enmity between the petitioner group and the defaco complainant group, as a result of which, the petitioner along with other accused persons and caused injuries on the deceased with Aruval and knife and the injured was admitted to the hospital, where he died. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner who is arrayed as A5 is no way connected with the alleged offence and he has been falsely implicated in this case. Therefore, he prays to grant anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that there is no previous case pending against the petitioner and in the FIR no specific overt act has been attributed against the petitioner. It is further submitted that FIR also does not disclose any overt act to the petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the fact and circumstances of the case and also the fact that except for inclusion of the name of the petitioner as in the FIR, there is no specific overt act attributed against the petitioner, 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.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 and on further condition that:

(a) if the petitioner fail to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

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

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

(f) 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;

