



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.15054 of 2021

WEB COPY

1. Ajay @ Ajay Peliksh,
2. Dinesh & Dineshkumar,

... Petitioners

Vs.

State rep by its,
The Sub Inspector of Police,
M-4 Thudiyalur Police Station,
Coimbatore District
(Crime No.760 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C prayed to enlarge the petitioners on bail in Crime No.760 of 2021 on the file of the respondent.

For Petitioners : Mr.W.Camyles Gandhi

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioners who were arrested and remanded to judicial custody on 13.07.2021 for the offences under Sections 147, 148, 341, 294(b), 324, 506(ii) of IPC @ Sec.147, 148, 341, 294(b), 324, 506(ii) and 307 of IPC, in Crime No.760 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners along with other accused persons had waylaid the defacto complainant and attacked him with knife and caused injuries. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are not involved in the offence and they have been falsely implicated. He further submits that the petitioners have been in jail from 13.07.2021. Hence he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the injured person has been discharged from the hospital. He further submit that there is one previous case pending as against the second petitioner and there is no previous case pending as against the first petitioner. However, he vehemently opposed for grant of bail to the petitioners.



5. Considering the fact that there is one previous case pending as against the second petitioner. Therefore, this Criminal Original Petition is dismissed as against the second petitioner and there is no previous pending as against the first petitioner and considering the period of incarceration suffered by the first petitioner, this Court is inclined to grant bail to the first petitioner with certain conditions.

6. Accordingly, the first 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, each for a like sum to the satisfaction of the learned Judicial Magistrate No. I, Coimbatore 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 first petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

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

(d) the first 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 first petitioner in accordance with law as if the conditions have been imposed and the first 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;

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

-sd/-
24/08/2021

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-I,
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE,
COIMBATORE DISTRICT (FOR INFORMATION).

3 THE SUB INSPECTOR OF POLICE,
M-4, THUDIYALUR POLICE STATION,
COIMBATORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S W.CAMYLES GANDHI Advocate on payment of necessary
charges SR.NO.8957

CRL OP.15054/2021

Date :24/08/2021

INBA 25/08/2021