



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.Nos.15436 & 15512 of 2021

1. M.Prakash

...Petitioner
in Crl.O.P.No.15436 of 2021]

2. Kannan

...Petitioner
in Crl.O.P.No.15512 of 2021]

Vs.

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

... Respondent in both petitions

PRAYER: Criminal Original Petitions have 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.C.D.Sugumar
(in Cr.O.P.No.15436 of 2021)

: Mr.T.Gnana Banu
(in Crl.O.P.No.15512 of 2021)

For Respondent(s) : Mr.A.Gopinath
Government Advocate (Crl.Side)
(in both petitions)

COMMON ORDER

The petitioner in Crl.O.P.No,15436 of 2021 who was arrested and remanded to judicial custody on 14.07.2021 and the petitioner in Crl.O.P.No.15512 of 2021 who was arrested and remanded to judicial custody on 12.07.2021 for the offences under Sections 147, 148, 341, 294(b), 324, 307 and 506(ii) 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.

WEB COPY

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 co-accused had already been released on bail by this Court in CrI.O.P.No.15053 of 2021 dated 24.08.2021. Hence he prays for grant of bail to the petitioners.

4. The learned Government Advocate (CrI.Side) appearing for the respondent submitted that the injured person has been discharged from the hospital.

5. Considering the fact that the injured person has been discharged from the hospital and there is no previous case pending as against the petitioners and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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 petitioners shall report before the respondent police, daily at 10.30 a.m. until further orders;

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

(d) the petitioners 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.

WEB COPY

-sd/-

02/09/2021

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 INSPECTOR OF POLICE,
THUDIYALUR POLICE STATION,
COIMBATORE DISTRICT

+1 CC to M/S C.D.SUGUMAR Advocate on payment of necessary charges
SR.No.9427

CRL OP.15436 & 15512/2021

Date :02/09/2021

APN 03/09/2021