



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.16364 of 2021

Tamilselvan

... Petitioner

Vs.

State represented by
The Sub Inspector of Police,
D-3 Podanur Police Station,
Coimbatore District
(Crime No.834 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Crime No.834 of 2021 on the file of the respondent police.

For Petitioner : Mr.W. Camyles Gandhi

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

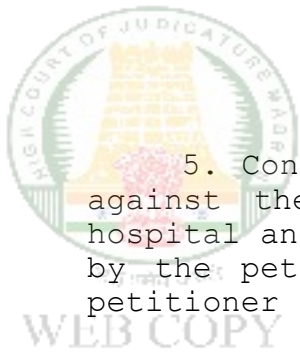
ORDER

The petitioner who was arrested on 03.08.2021 and remanded to judicial custody for the offences under Sections 294(b) and 307 of I.P.C in Crime No.834 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the victim are neighbours. It is alleged that on the date of occurrence the victim was in an intoxicated mood and tried to damage the water tap. Due to which there was a wordy quarrel between them and the petitioner abused the defacto complainant with unparliamentary language and assaulted him by using knife. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner 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 03.08.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the injured discharged from the hospital and there is no previous case pending against the petitioner. However, he vehemently opposed for grant of bail to the petitioner.



5. Considering the fact that there is no previous case pending against the petitioner and that the injured discharged from the hospital and also taking note of the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

6. Accordingly, the 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 **Judicial Magistrate-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 petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

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

(d) the 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 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;

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

-sd/-
08/09/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

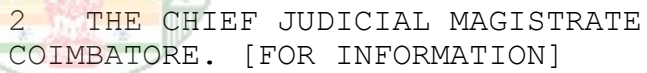
Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,

NO. 1, COIMBATORE.

<https://hcservices.ecourts.gov.in/hcservices/>



4 THE SUB INSPECTOR OF POLICE,
D-3, PODANUR POLICE STATION,
COIMBATORE DISTRICT.

+1 CC to M/S W.CAMYLES GANDHI Advocate on payment of necessary charges SR.NO.9706

Date :08/09/2021

<https://hcservices.ecourts.gov.in/hcservices/>