



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.17252 of 2021

1. Madhivanan
2. Nandha
3. Bhagavath

...Petitioners

Vs.

The State Represented by,
The Inspector of Police,
E-3, Saravanampatti Police Station,
Coimbatore District
(Crime No.842 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C prayed to enlarge the petitioners on bail concerned in Crime No.842 of 2021 on the file of the respondent.

For Petitioners : Mr.M.Vinoth

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

ORDER

The petitioners. who were arrested and remanded to judicial custody on 01.09.2021 for the offences punishable under Sections 147, 148, 294(b), 323, 324, 307 and 506(ii) of IPC, in Crime No.842 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 attacked the defacto complainant with Aruval 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 co-accused had already been released on bail by this Court in Crl.O.P.No.17255 of 2021 dated 17.09.2021. 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.



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 Court, No.II, 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.

-sd/-
20/09/2021

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 COURT NO.II,
COIMBATORE.

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

3 THE INSPECTOR OF POLICE,
E-3, SARAVANAMPATTI POLICE STATION,
COIMBATORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. M.VINOTH Advocate on payment of necessary charges
SR.NO.10310

CRL OP.17252/2021

Date :20/09/2021

INBA 21/09/2021