



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.20794 of 2021

1.V.Vijaya Kumar
2.S.Santhosh Kumar @ Oosi
3.M.Nagaraj

... Petitioners

Vs.

State represented by
The Inspector of Police,
Podhanur Police Station,
Coimbatore District.
(Crime No.1045 of 2021)

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioners on bail pending investigation in Crime No.1045 of 2021 on the file of respondent.

For Petitioner : Mr.R.Balakrishnan

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

ORDER

The petitioners who were arrested and remanded to judicial custody on 06.10.2021 for the offence under Sections 147, 448, 294 (b), 324, 307, 506(ii) of I.P.C. in Crime No.1045 of 2021 on the file of the respondent police, seek bail.

2.It is the case of the prosecution that the petitioners along with the other accused are alleged to have attacked the defacto complainant.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) submitted that the petitioners are arrayed as A1, A2 and A8 respectively and would further submit that A1 and A2/ petitioners 1 and 2 have been detained under Act 14 of 1982. He would further submit that the injured has been discharged from the hospital and that there is no previous case as against A8/ third petitioner.



5. At this juncture, the learned counsel appearing for the petitioners submitted that he is not pressing this petition in respect of petitioners 1 and 2.

6. In view of the submission made by the learned counsel appearing for the petitioners, this criminal original petition is dismissed as not pressed insofar as petitioners 1 and 2 are concerned. Considering the fact that the injured has been discharged from the hospital, I am inclined to grant bail to the third petitioner.

7. Accordingly, the third 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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned District Munsiff Cum Judicial Magistrate, Madukkarai 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 third 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;

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

(d) the third 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 third petitioner in accordance with law as if the conditions have been imposed and the third 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/-
02/11/2021

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

TRUE COPY



1 THE DISTRICT MUNSIFF CUM
JUDICIAL MAGISTRATE, MADUKKARAI,
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PODHANUR POLICE STATION,
COIMBATORE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

+1 CC to M/S R.BALAKRISHNAN Advocate on payment of necessary
charges SR.NO.12411

CRL OP.20794/2021

Date :02/11/2021

TA-02/11/2021