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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.20938 of 2021

Rajkumar

.. Petitioner /Accused-10

Vs.

State rep. by
The Inspector of Police
C-2, Race Course (L&O) Police Station,
Coimbatore District
(Cr.No.561 of 2021)

...Respondent/Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending investigation in Crime No.561 of 2021 on the file of the respondent.

For Petitioner : M/s.S.N.Arunkumar

For Respondent : Mr.N.S.Suganthan
Government Advocate

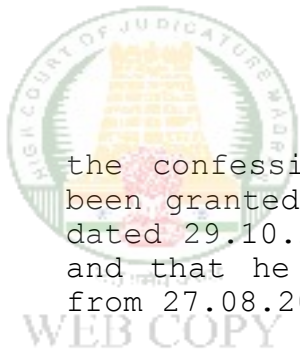
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 27.08.2021 for the offences under Sections 147, 148, 341, 294(b), 323, 307 and 506(ii) of IPC, in Crime No.561 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 27.08.2021 at about 14.00 hours, the petitioner along with other accused attacked the defacto complainant and his friends who are the accused in Crime No.59 of 2020 in connection with a murder case of A1's son, with wooden log and knife while they were returning from Court. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and his name is also not found in the F.I.R. and he has been falsely implicated in this case based on



the confession of co-accused. He would further submit that A3 has been granted bail by this Court in CrI.O.P.No.20295 of 2021 by order dated 29.10.2021 and there is no previous case against the petitioner and that he has been suffering incarceration for more than 70 days from 27.08.2021. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate raised objection stating that the petitioner who is arrayed as A6, is also involved in the assault made on the defacto complainant and others. He would further submit that A3 and A9 have been granted bail and there is no previous case against the petitioner.

5. Considering the period of incarceration suffered by the petitioner and the fact that there is no previous case against 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 learned Judicial Magistrate-III, 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.

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-sd/-

09/11/2021

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.III, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
C-2, RACE COURSE (LAW AND ORDER) POLICE STATION,
COIMBATORE DISTRICT.

+1 CC to M/S.S.N.ARUNKUMAR Advocate on payment of necessary charges SR.NO.12545

CRL OP.20938/2021

Date :09/11/2021

RW 09/11/2021