



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2021

CORAM:

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

Cr1.O.P.No.21141of 2021

WEB COPY

1. Ajay Kumar @ Ajay
2. H.Habeesh Kumar @ Kabeesh .. Petitioners

Vs.

The State Rep.by the ...Respondent
Inspector of Police,
C-2, Race Course Police Station,
Coimbatore District.
Crime No.561 of 2021

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

For Petitioners : Mr.S.N.Arunkumar
For Respondent : Mr.N.S.Sugunthan
Government Advocate

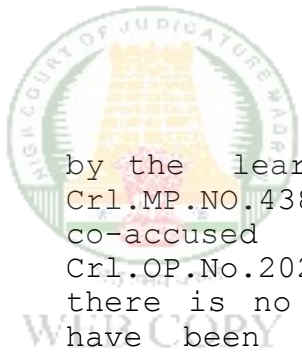
ORDER

(The case has been heard through video conference)

The petitioners who were 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, seek bail.

2. The case of the prosecution is that the petitioners along with other accused attacked the defacto complainant and his friends with a wooden log and knife while they were returning from the court. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that, the petitioners earlier petitions was dismissed



by the learned Principal District and Sessions Judge, Coimbatore in CrI.MP.NO.4383 of 2021 dated 27.10.2021. He further submits that the co-accused was already enlarged on bail by this Court in CrI.OP.No.20295 of 2021 dated 29.10.2021. He further submits that there is no previous case as against the petitioners and that they have been suffering incarceration for more than 70 days from 27.08.2021. Hence he prays for grant of bail to the petitioners.

4. The learned Government Advocate (CrI.Side) submits that He further submits that the injured has been discharged from the hospital.

5. Considering the period of incarceration suffered by the petitioners and also considering the fact that the co-accused was enlarged on bail and the injured has been discharged from the hospital, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing separate bonds 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 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/-

10/11/2021

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 [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
C-2, RACE COURSE POLICE STATION,
COIMBATORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

+1 CC to M/S.S.N.ARUNKUMAR Advocate on payment of necessary charges SR.No.12615

CRL OP.21141/2021

Date :10/11/2021

APN 11/11/2021