



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2021

CORAM:

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

Cr1.O.P.No.22815 of 2021

Sakthi Shanmugam @ Sakthi

... Petitioner

Vs.

State by
The Inspector of Police
Tiruppur North Police Station
Tiruppur City
(Crime No.2133 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.2133 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.P.M.Duraiswamy

For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 30.10.2021 for the offences under Sections 147, 294(b), 323, 324, 307 and 506(ii) of IPC in Crime No.2133 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the owner of a petty shop. On 30.10.2021 during Devar Jayanthi Celebration, the accused persons had put up Devar Photo near his shop and garlanded the same and thereafter, A1 and A2 went to the shop of the defacto complainant and purchased Cigarettes, Bananas and water pockets and when the defacto complainant asked for money, they abused him and threw stones at his shop and also attacked him with wooden log on his head following which, there was a commotion between the Forward Block Partymen. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is a College student and he has been suffering incarceration for more than 35 days from 30.10.2021. Hence, he would pray for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would raise objection stating that there are totally 7 accused and the petitioner is arrayed as A3 and he has got one previous case and that there is a proposal for Goondas against the petitioner but admits that the victim has been discharged from the hospital.

5. Considering the fact that the petitioner is a college student and the victim has been discharged from the hospital and the investigation is almost completed and also considering the period of incarceration undergone 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 learned Judicial Magistrate-I, Tiruppur, and on further conditions 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 05.30 p.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.

WEB COPY

-sd/-
07/12/2021

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.I, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
TIRUPPUR NORTH POLICE STATION,
TIRUPPUR CITY.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. P.M.DURAI SWAMY Advocate on payment of necessary charges

CRL OP.22815/2021

Date :07/12/2021

JPA 08/12/2021