



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.73 of 2022

GAUL ASAN

...Petitioner

Vs

State rep. by its
The Inspector of Police,
D-3 PODANUR Police Station,
Coimbatore District.
(Crime. No: 1312/2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest in Crime No.1312 of 2021 pending on the file of respondent police.

For Petitioner : Mr.W.Camyles Gandhi

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

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 15.12.2021 for the offences under Sections 294(b), 394 r/w. 397 of IPC, in Crime No.1312 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and other accused waylaid the defacto complainant and his friend and abused them in filthy language and also attacked them and at knife point snatched the cell phone of the defacto complainant and escaped from the place. Thereafter, the defacto complainant found his gold chain weighing 2½ sovereigns missing. Hence the complaint.



3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and that he has been suffering incarceration for more than 15 days from 15.12.2021. Hence, he would pray for grant of bail to the petitioner

4. The learned Government Advocate (Crl.Side) appearing for the respondent raised objection stating that there are totally 3 accused in this case and the petitioner is arrayed as A2 and the stolen chain has not been recovered but admits that the petitioner has got no previous case and the stolen mobile phone has been recovered and the injured has been discharged from hospital.

5. Considering the fact that the petitioner has got no previous case and the injured has been discharged from hospital and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) the petitioner is directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand Only) to the credit of Crime No.1312 of 2021 and on such deposit, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate-I, Coimbatore, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police on every Saturday at 10.30 a.m. until further orders.

(e) the defacto complainant is permitted to withdraw the deposit amount of Rs.15,000/- (Rupees Fifteen Thousand Only) on proper identification and acknowledgement.

(f) the petitioner shall not commit any offences of similar nature;

(g) the petitioner shall not abscond either during investigation or trial;



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

(i) on breach of any of the aforesaid conditions, the learned Judicial 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];

(j) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

05/01/2022

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, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
D-3 PODANUR POLICE STATION,
COIMBATORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

+1 CC to MR.W.CAMYLES GANDHI
charges SR.NO.162

Advocate on payment of necessary

CRL OP.73/2022

Date :05/01/2022

RW 06/01/2022