



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2022

CORAM:

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

Cr1.O.P.No.3655 of 2022

Mariselvam

... Petitioner

Vs.

The State Rep by:
The Inspector of Police,
Kovilpalayam Police Station,
Coimbatore District.
(Crime No.675 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.675 of 2021 on the file of the respondent.

For Petitioner : Mr.C.Mohanraj

For Respondent : Mr.L.Baskaran
Government Advocate (Cr1 side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 30.11.2021 for the offences **under sections 394 and 397 of IPC**, in Crime No.675 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner along with others waylaid the defacto complainant and robbed a sum of Rs.10,000/- and attacked him by using iron rod, thereby, the defacto complainant sustained injuries.

3. The learned Counsel for the petitioner 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 petitioner is suffering incarceration for more than 87 days from 30.11.2021. Hence, he seeks to grant bail to the petitioner.



4. The learned Government Advocate (Crl side) raised objection stating that earlier this Court dismissed the petitioner's bail petition in Crl.O.P.No.293 of 2022. He further submits that due to the alleged occurrence, the victim had sustained head injuries in seven places, 20 stitches were done for healing of the head injuries and further submitted that the investigation almost completed. However, he opposed grant of bail to the petitioner.

5. Considering the facts and circumstances of the case and also the submissions made by both counsel and also considering the period of incarceration undergone by the petitioner and the investigation was almost completed, this Court is inclined to grant bail to the petitioner with conditions.

(a) the petitioner is ordered to be released on bail on 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 No.II, Coimbatore District.**

(b)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;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(d) the petitioner is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** to the credit of Crime No.675 of 2021 before the learned Judicial Magistrate No.II, Coimbatore District and the victim is permitted to withdraw the said amount with the proper identification;

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

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

(g)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;



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

WEB COPY

-sd/-
25/02/2022

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.II, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

+1 CC to M/S.C.MOHANRAJ Advocate on payment of necessary charges SR.NO.3028

CRL OP.3655/2022

Date :25/02/2022

TA-28/02/2022.