



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Fifth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M.NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.12425 of 2022

VIKKIVEDA @ SHANMUGAKRISHNAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
RATHINAPURI POLICE STATION,
(*)COIMBATORE DISTRICT.
(CR.NO.164 OF 2022)

[RESPONDENT]

For Petitioner : M/S.M.SUBASH Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor
[Dated:25/05/2022]

: MR.E.RAJ THILAK Additional Public Prosecutor
[CRL.MP.NO.6999/2022 IN CRL.OP.NO.12425/2022]
[Dated:02/06/2022]

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 28.03.2022 for the alleged offence under Sections 397, 392, 506 (ii), 120(B) and 147 of IPC in Crime No.164 of 2022 on the file of the respondent police, seeks bail.

2. Totally, there are 6 accused and the petitioner is arrayed as A3. The case of the prosecution is that the petitioner and the defacto complainant are friends and on 25.03.2022, when the defacto complainant along with his friend, came near Sampath Street Park in a two wheeler, the petitioner along with other accused intercepted the defacto complainant, abused him, assaulted him and also threatened him with dire consequences and they have also taken away the bike of the defacto complainant.



3. The learned Counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. He further submitted that the property has been recovered from A1 and there is no specific overt-act as against the petitioner/A3. Hence, he seeks bail to the petitioner.

4. Learned Additional Public Prosecutor submitted that now, the bike has been recovered. However, he vehemently opposed to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also the fact there is no specific overt-act as against the petitioner and also the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to following 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 No.II, Coimbatore 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 10.30 am for a period of two weeks and thereafter as and when required for interrogation.

[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].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

-sd/-

25/05/2022

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.

(*)Amended as per order of this Court dated 02/06/2022 made in CRL.MP.NO.6999 of 2022 in CRL.OP.NO.12425 of 2022 by The Hon`ble Mr Justice C.V.KARTHIKEYAN.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
RATHINAPURI POLICE STATION,
(*)COIMBATORE DISTRICT.

4 THE INSPECTOR OF POLICE,
RATHINAPURI POLICE STATION,
SALEM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON,COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.M.SUBASH Advocate on payment of necessary charges
SR.No.8463

CRL OP.12425/2022

Date :25/05/2022

CSK 26/05/2022

CSK 03/06/2022