



WEB COPY



CrI.OP.No.17130 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.17130 of 2022

Arumugam

...Petitioner

Vs.

State Represented by
Inspector of Police,
Periyanaickenpalayam Police Station,
Coimbatore District.
[Crime No.458 of 2022]

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in connection with the case in
Crime No.458 of 2022 pending investigation on the file of the respondent
police.

For Petitioner : Mr.R.Prabakar

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



CrI.OP.No.17130 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.05.2022 for the offences punishable under Sections 147, 148, 294(b), 447, 448, 323, 324, 307, 506(ii) read with 109 IPC and Section 3 of Tamilnadu Public Property (Prevention of Damage & Loss) Act and Section 4 of Tamilnadu Prohibition of Harassment of Women Act in crime No.458 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, due to previous enmity, the petitioner along with other accused attacked the defacto complainant using deadly weapons. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he was not present in the scene of occurrence. That apart, the petitioner has been suffering incarceration from 08.05.2022. Hence, he prays for grant of bail to the petitioner.



CrI.OP.No.17130 of 2022

4. The learned Additional Public Prosecutor would submit that the injured victim has been discharged from the hospital and he further submitted that, apart from this case, the petitioner has six previous cases and the petitioner is an habitual offender. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the fact that the injured victim has been discharged from the hospital and also the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner.

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 blood related sureties**, each for a like sum to the satisfaction of the **Judicial Magistrate Court/ Additional Mahila Court, 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.



CrI.OP.No.17130 of 2022

WEB COPY

[b] the petitioner shall stay at Ambur and report before the Ambur Town Police twice daily at 10.30.a.m., and 05.30.p.m., for a period of four weeks and thereafter report before the respondent police twice daily at 10.30 a.m. and 05.30 p.m. for a period of four weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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.

22.07.2022

Sma



CrI.OP.No.17130 of 2022

WEB COPY

To

- 1.The Judicial Magistrate Court/Additional Mahila Court,
Coimbatore.
- 2.Inspector of Police,
Periyanaickenpalayam Police Station,
Coimbatore District.
- 3.Central Prison,
Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras



WEB COPY



Crl.OP.No.17130 of 2022

G.K.ILANTHIRAIYAN, J.

Sma

Crl.O.P.No.17130 of 2022

22.07.2022