



Crl.O.P.No.22886 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.22886 of 2022

Thillai Dheepak @ Dheepaganesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
M-4, Thudiyalur Police Station,
Coimbatore District.
Crime No.711 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.711 of 2022 on the file
of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 17.08.2022 for the offences punishable under Sections 294(b) and 307 of I.P.C., in Crime No.711 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that when the defacto complainant had questioned the accused about posting of offenceable material in Whatsapp, the petitioner along with the other accused had assaulted the defacto complainant with knife resulting in him sustaining grievous injuries. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the defacto complainant is a person, who had come to the place of the petitioner and started quarrel and during the quarrel the incident had happened. He would also submit that the defacto complainant is an aggressor. He would further submit that the injured has been discharged from the hospital. Therefore, he prays for grant of bail to the petitioner.

4. Per contra, the learned Government Advocate (Crl. Side)



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appearing for the respondent would submit that the petitioner along with the other accused waylaid the defacto complainant and assaulted him with knife resulting in him sustaining injuries. He would also submit that the defacto complainant has been discharged from the hospital. However, he vehemently opposed to grant bail to the petitioner stating that the petitioner has got 4 previous cases.

5. At this juncture, in reply, learned counsel for the petitioner would submit that out of the 4 cases, 3 cases have been registered for the offence under Section 75(1)(C) of the City Police Act and yet another case has been registered for the offence punishable under Section 506(ii) of IPC. He would also submit that apart from these cases, the petitioner has no other cases and he has not been convicted so far.

6. Heard both the learned counsel and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the



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case, the submissions made by the learned counsel and the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate Court-I, 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 stay at Viruthunagar and report before the Inspector of Police, Town Police Station, Viruthunagar daily at 10.30 a.m. and 5.30 p.m. for a period of four weeks and thereafter report before the respondent police daily at 10.30 a.m., until further orders;

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



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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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1. The Judicial Magistrate-I, Coimbatore.
2. The Inspector of Police,
M-4, Thudiyalur Police Station,
Coimbatore District.
3. The Superintendent,
Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA., J.



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