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CrI.O.P.No.28576 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2022

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

CrI.O.P.No.28576 of 2022

R.Srikanth

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Thudialur Police Station,
Coimbatore District.

(Crime No.875/2022).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.875
of 2022, pending investigation on the file of the respondent Police.

For Petitioner : Mr.W.Camyles Gandhi

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.10.2022, for the offences punishable under Sections 147, 148, 294(b), 342, 323, 324 and 506(ii) of IPC @ Sections 120B, 147, 148, 294(b), 323, 324, 342 and 506(ii) of IPC @ Section 307 IPC in Crime No.875 of 2022, seeks bail.

2. The case of the prosecution is that due to previous enmity, the petitioner along with other accused have abused the de-facto complainant in a filthy language and assaulted him with knife, due to which, he suffered grievous injuries and also threatened him with dire consequences. Hence the case.

3. The learned counsel for the petitioner submitted that the petitioner, aged about 19 years is an innocent person studying Bachelor of Commerce. He further submitted that due to previous enmity, a false complaint has been given against him. He also submitted that the co-accused has been granted anticipatory bail by this Court in Crl.O.P.No.27822 of 2022



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vide order dated 15.11.2022. He also stated that the injured has been discharged from the hospital and the petitioner is in custody from 27.10.2022, hence, he prayed to grant bail to the petitioner

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that due to previous enmity on account of collection of fund in Vinayagar Chaturthi festival, the petitioner along with other accused have abused the de-facto complainant in a filthy language, assaulted him with knife, causing severe injuries and threatened him with dire consequences. He further submitted that the injured has been discharged from the hospital. He also submitted that there is no previous case as against the petitioner, hence, he vehemently oppose to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and taking note of the



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fact that there is no previous case as against the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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-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 report before the respondent Police everyday at 06.30 p.m., until further orders;

[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



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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.

22.11.2022

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To

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



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A.D.JAGADISH CHANDIRA.,J.

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