



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2022

CORAM:

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

Crl.O.P.No.31739 of 2022

Sugantharam

...Petitioner

Vs.

State rep. by
The Inspector of Police,
C-2, Race Course Police Station,
Coimbatore District.
(Crime No.546 of 2022)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner/accused on bail in Crime No.546 of 2022 on the file of the respondent police.

For petitioner : Mr.M.Vinoth

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 09.12.2022 for the offence under Sections 143, 144, 120(B) r/w 307 of IPC in Crime No.546 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 have waited outside the Court premises for arrival of Vellai Sathish and on seeing the police persons they tried to flee away from there. Hence the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that the petitioner is arrayed as A1, he and along with other accused came to the Court only for giving evidence to another case and the petitioner is in custody for more than 10 days. Hence, he would pray for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the totally there are seven accused in this case in which the petitioner is arrayed as A1. He would further submit that the petitioner has two previous cases against him one among is under Section 323 IPC. He would further submit that the investigation is almost completed. Hence, he vehemently opposed for grant of bail.



5. Considering the facts and circumstances and also considering the period of incarceration undergone by the petitioner and that the investigation is almost completed, this Court is inclined to grant bail to the petitioner with certain 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 Court – III, 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 on every Tuesday and Saturday at 10.30 a.m., for a period of three months and thereafter, appear before the respondent police as and when required for interrogation.

[c]the petitioner shall not tamper with evidence or witness during trial;

[d]the petitioner shall not abscond during investigation/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]***; and;

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

22.12.2022

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To

- 1.The Judicial Magistrate-III, Coimbatore
- 2.The Inspector of Police,
C-2, Race Course Police Station,
Coimbatore District.
- 3.The Central Prison,
Coimbatore.
- 4.The Public Prosecutor,
High Court, Madras.

T.V.THAMILSELVI,J.

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