



Crl.O.P.No.1284 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.01.2023

CORAM :

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

Crl.O.P.No.1284 of 2023

Karthikeyan,
S/o.Raju

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Kattur Police Station,
Coimbatore.
(Crime No.575 of 2022)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.575 of 2022 pending on the file of respondent police.

For Petitioner : Mr.D.Saikumaran

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.12.2022 for the alleged offence under Sections 392 and 397 of I.P.C. in Crime No.575 of 2022 on the file of the respondent police, seeks bail.

2. The case of prosecution is that on 02.12.2022, the petitioner along with other accused in a two wheeler and on seeing the defacto complainant and his friend, they threatened them to give money, at that time, A4 attacked the defacto complainant with knife, thereby, he sustained serious injuries and they have also robbed his cell phone as well as cash of Rs.500/- and also a money purse along with Rs.3000/- cash from him,. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that the entire allegation is false, vindictive, wanton and he is no way connected with the offence. He would submit that he has not at all committed any of



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offence as alleged by the respondent police and due to previous enmity, he has been falsely implicated in this case and he will abide by any condition that may be imposed by this court. He would submit that the petitioner and other accused asked the two wheeler which was given by the him for the purpose of function and thereafter, he returned back to his house and slept therein. Hence, he is no way connected with the occurrence. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 45 days from 08.12.2022. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, there are 4 accused and the petitioner is arrayed as A2. He would submit that when the defacto complainant along with his friend standing in the place of occurrence, the petitioner along with other accused came in a two wheeler and attacked him and also robbed a sum of Rs.500/- as well as a money purse along with cash of Rs.3000/- from him. He would submit that now cell phone of defacto complainant was recovered. He would submit that no previous



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cases pending against him. He would submit that that if he is released on bail, he would tamper the witnesses and hamper the investigation and the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances, and also considering the fact that cell phone was recovered from him and also the fact that no previous case pending against him and the investigation almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on condition to execute 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-2, Coimbatore**, and on further conditions that:



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(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned 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 Wednesday at 10.30 a.m. for the period of three months;

(c) the petitioner shall not commit any offences of similar nature;

(d) the petitioner shall not abscond either during investigation or trial;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial 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];

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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1. The Judicial Magistrate-2,
Coimbatore.
2. Inspector of Police,
Kattur Police Station,
Coimbatore.
3. The Superintendent of Prison,
Sub-Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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