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Crl.O.P.No.7332 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2023

CORAM

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

Crl.O.P.No.7332 of 2023

Rajeshkumar

... Petitioner

Vs.

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

(Crime No.18 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.18 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.C.D.Sugumar

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



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ORDER

(This case has been heard through Video Conferencing)

The petitioner, who was arrested and remanded to Judicial custody on 14.03.2023, for the offence punishable under Sections 147, 148, 294(b), 324, 307 of IPC, in connection with Crime No.18 of 2023, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant, Praveen, is that due to the land dispute, there was a quarrel between the accused and the de-facto complainant and others, during which, the accused have abused and attempted to murder them by assaulting them with knife, due to which, they sustained grievous injuries. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that due to the existing land dispute, a false case has been foisted against the petitioner and others. He also submitted that the petitioner is in custody from 14.03.2023 and he is ready to abide by any



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stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that due to the previous dispute with regard to the lease of the property, the petitioner (A9) along with other accused have abused and assaulted the *de-facto* complainant and others, due to which, they sustained grievous injuries. He further submitted that the injured have been discharged from the hospital and the investigation is still pending. He also submitted that one previous case registered for the offence under Section 307 IPC is pending as against the petitioner. Hence, he opposed for grant of bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also



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considering the fact that the injured have been discharged from the hospital, this Court is inclined to grant bail to the petitioner with certain condition.

7. 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 No.VI, 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 10.30 a.m. for a period of two weeks and thereafter, on every Saturday at 10.30 a.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 appropriate action against the petitioner in accordance



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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.

11.04.2023

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To

1. The Judicial Magistrate No.VI,
Coimbatore.
2. The Inspector of Police,
Thondamuthur 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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