



Crl.O.P.No.8785 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2023

CORAM

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

Crl.O.P.No.8785 of 2023

K.Manikandan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Saibaba Colony Police Station,
Coimbatore.

(Crime No.78 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.78 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.K.Balasubramaniam

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 26.03.2023, for the offences punishable under Sections 341, 294(b), 324 and 506(ii) of IPC @ 307 of IPC, in Crime No.78 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the defacto complainant, who is the father of the victim is that due to previous enmity on account of registration of the case against A1's brother, the petitioner along with other accused waylaid the victim and attacked him with knife and caused grievous injuries including removal of spleen. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case, since he happens to be the friend of A1. He further submitted that due to previous enmity, a false complaint has been given against him. He also submitted that the petitioner is in judicial custody 26.03.2023 and there is no bad antecedent as against the petitioner. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for



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respondent submitted that it is the case where, the petitioner along with other accused, due to previous enmity, have abused and assaulted the victim with knife and caused grievous injuries including removal of spleen. He further submitted that the injured has been discharged from the hospital and there is no previous case pending against the petitioner. Hence, he vehemently opposed to grant 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 taking note of the period of incarceration undergone by the petitioner, 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 separate bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of



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the learned Judicial Magistrate No.VII, 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 10.30a.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 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]*;



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[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

21.04.2023

vk

To

1. The Judicial Magistrate No.VII,
Coimbatore.
2. The Inspector of Police,
Saibaba Colony Police Station,
Coimbatore.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.



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