



Crl.OP.No.11992 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.05.2023

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP.No.11992 of 2023

M.Vinoth Kumar

... Petitioner

Vs.

State: The Inspector of Police,
Saibaba Colony Police Station,
Coimbatore.
Crime No.111 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.111 of 2023 on the file
of the respondent police.

For Petitioner : Mr.L.P.Balajiram

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)



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ORDER

The Petitioner/A1, who was arrested and remanded to judicial custody on 13.05.2023 for the offences punishable under Sections 294(b), 323, 436 and 506(i) of I.P.C in Crime No.111 of 2023 on the file of the Respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused assaulted the *de-facto* complainant and set fire to his two-wheeler. Hence, the complaint.

3. The learned Counsel appearing for the Petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Therefore, he prays for grant of bail to the Petitioner.

4. The learned Government Advocate (Crl.side) appearing for the Respondent vehemently objects to consider the bail petition of the petitioner since the petitioner is alleged to have set fire to the two-wheeler of the *de-*



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facto complainant. He also furnished a video footage of the same.

5. Considered the submissions of the learned Counsel for the Petitioner and vehement objections of the learned Government Advocate (Crl.Side) and perused the materials available on record including the First Information Report.

6. Considering the above facts and circumstances and also considering the period of incarceration suffered by the Petitioner, this Court is inclined to grant bail to the Petitioner with certain conditions:

7. Accordingly, the Petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.111 of 2023 before the learned Judicial Magistrate No.VII, Coimbatore and on such deposit, the Petitioner is ordered to be released on bail on his executing a separate bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties, one surety shall be a blood surety, each for a like sum to the



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satisfaction of the learned Judicial Magistrate No.VII, Coimbatore, and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial / Metropolitan Magistrate may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(b) the Petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.111 of 2023 before the learned Judicial Magistrate No.VII, Coimbatore;

(c) After conclusion of the trial, if the learned Judicial Magistrate No.VII, Coimbatore arrives at a conclusion that the petitioner had caused fire to the two-wheeler of the *de-facto* complainant, the amount deposited by the petitioner shall be paid as an compensation to the *de-facto* complainant. Till such time, the amount in the credit of Crime No.111 of 2023 before the learned Judicial Magistrate No.VII, Coimbatore shall be invested in any nationalized bank as fixed deposit. The petitioner is not entitled to



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recover this amount from the Court till the trial is completed.

(d) the Petitioner shall stay at Chennai and report before the Inspector of Police, B2 Esplanade Police Station police, Chennai daily at 10.00 a.m. and 7.00 p.m., until further orders;

(e) the Petitioner shall not influence, threaten or coerce the witness either during investigation or trial;

(f) the Petitioner shall not abscond either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(h) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;



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(i) if the Accused thereafter absconds, a fresh FIR
can be registered under Section 229-A IPC.

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SATHI KUMAR SUKUMARA KURUP,J.

Mpl/Jeni

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.

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