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CrI.O.P.No.12667 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2023

CORAM

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

CrI.O.P.No.12667 of 2023

Surendran
S/o Loganathan

... Petitioner

Vs.

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

(Crime No.98 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in connection with the Crime No.98
of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.W.Camyles Gandhi

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.03.2023, for the offences punishable under Sections 147, 148, 294(b), 323, 324, 506(ii) and 307 of IPC, in Crime No.98 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant, Mohamed Unis is that on 03.03.2023, due to the previous enmity, the accused have abused the de-facto complainant and assaulted him with Aruval, resulting in which, he 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 the petitioner is no way connected with the alleged offence and due to the previous dispute, the de-facto complainant has lodged a false complaint against the petitioner. He also submitted that the co-accused in this case have already been granted bail by this Court in Crl.O.P.Nos.6991 to 6993 of 2023 on 29.03.2023 and the petitioner is in



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judicial custody from 05.03.2023. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner along with other accused have abused and assaulted the de-facto complainant with aruval, due to which, he sustained grievous injuries. He further submitted that the injured has been discharged from the hospital and four previous cases are pending against the petitioner. He also submitted that the investigation has been completed and final report has been filed before the learned Judicial Magistrate No.III, Coimbatore and it is yet to be numbered and if the petitioner is granted bail at this stage, there is every possibility of him, absconding and derailing the progress of trial. 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) and perused the materials available on record.



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6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and that the co-accused have been granted bail by this Court and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

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.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 Judicial Magistrate No.III, Coimbatore, on all working days at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond during trial;

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

[e] On breach of any of the aforesaid conditions,



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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]***;

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

08.06 .2023

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To

1. The Judicial Magistrate No.III,
Coimbatore.
2. The Inspector of Police,
Singanallur 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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