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CrI.O.P.No.13725 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2023

CORAM

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

CrI.O.P.No.13725 of 2023

1. Jalil Babu @ Jaleel Babu
2. Hakkim @ Palakkadu Hakkim
3. Ibrahim @ Appa Ibrahim
4. Prabhakaran

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Kuniyamuthur now Karumbukadai Police Station,
Coimbatore District.

(Crime No.170 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to grant bail to the petitioners, in Crime No.170 of 2023, pending
investigation on the file of the respondent Police.

For Petitioners : Mr.W.Camyles Gandhi

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 08.06.2023, for the offence punishable under Sections 294(b), 324 & 506(ii) of IPC @ 294(b), 324, 506(ii) & 307 of IPC, in connection with Crime No.170 of 2023, registered on the file of the respondent, seek bail.

2. The case of the prosecution is that since the de-facto complainant had reported the illegal gambling activities of the first accused to the Police, the first accused being enraged over the same along with the other accused, abused the de-facto complainant in filthy language and assaulted him with a knife, due to which, he sustained grievous injuries. Further, the accused had taken away the de-facto complainant's mobile phone. Hence the case.

3. Learned Counsel for the petitioners submitted that the petitioners (A1 to A4 respectively) are innocent persons and they have been falsely implicated in this case. He further submitted that admittedly, there was a wordy quarrel between the petitioners and the de-facto complainant, and



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since, the de-facto complainant is a politically influential person, a false case has been foisted against the petitioners. He further submitted that the petitioners are in custody from 08.06.2023 and they also ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that on 04.06.2023, due to the previous enmity between the first accused and the de-facto complainant, the first accused along with other accused had abused and assaulted the de-facto complainant, due to which, the de-facto complainant had sustained grievous injuries. He further submitted that the injured has been discharged from the hospital on 10.06.2023. He also submitted that one previous case registered under NDPS Act is pending against the first petitioner and no previous case is pending against other petitioners. He also submitted that the investigation in this case is still pending, hence, he opposed for grant of bail to the petitioners.

5. Heard the learned Counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent Police and perused the



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entire 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 taking note of the fact that the injured has been discharged from the hospital, this Court is inclined to grant bail to the petitioners with certain condition.

7. Accordingly, the petitioners are ordered to be released on bail on their executing separate bond each 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 - 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 petitioners shall stay at Villupuram and report before the Inspector of Police, Villupuram Town Police Station, everyday at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either



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during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

20.06.2023

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A.D.JAGADISH CHANDIRA.,J.

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To

1. The Judicial Magistrate - VII,
Coimbatore.
2. The Inspector of Police,
Kuniyamuthur now Karumbukadai Police Station,
Coimbatore District.
3. The Central Prison,
Coimbatore.
4. The Inspector of Police,
Villupuram Town Police Station,
Villupuram District.
5. The Public Prosecutor,
High Court of Madras.

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20.06.2023