



Crl.O.P.No.17431 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.17431 of 2023
and Crl.M.P.No.12544 of 2023

Vijai Mariappan @ Vijaya Mariappan

... Petitioner/Accused

Vs.

The State represented by
The Inspector of Police,
E-1, Singanallur Police Station,
Coimbatore.

(Crime No.473 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.473 of 2020 on the file
of the respondent police on such terms and conditions.

For Petitioner : Mr.T.Shanmugaboopathi

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Crl. Side)

For Intervenor : Mr.K.Balasubramaniam



Crl.O.P.No.17431 of 2023

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ORDER

The petitioner is A1 in Crime No.473 of 2020, registered by the respondent police for the offences punishable under Sections 420 and 506(ii) of IPC and Sections 75(1)(C) of TN City Police Act, 1888. The petitioner had been remanded to custody on 21.06.2023.

2.My learned predecessor, by an order dated 16.08.2023, had granted interim bail to the petitioner herein with an observation that issues will be settled before the mediation.

3.The learned counsel for the defacto complainant/intervenor stated that though mediation failed but the parties had settled the issues.

4.In view of that particular fact, interim bail already granted by my learned predecessor dated 16.08.2023 is made absolute and the same order may be retained subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate No.3, Coimbatore, and on further conditions that: -



Crl.O.P.No.17431 of 2023

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[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 continue to appear before the respondent police everyday at 10.30 a.m until further orders or atleast till either A2 surrender or he is taken into custody by the respondent.

[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].

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

7.Connected Crl.M.P.No.12544 of 2023/intervening petition stands allowed.

18.12.2023

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Crl.O.P.No.17431 of 2023

C.V.KARTHIKEYAN, J.
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To

1.The Judicial Magistrate No.3, Coimbatore.

2.The Inspector of Police,
E-1, Singanallur Police Station,
Coimbatore.

3.The Central Prison, Coimbatore.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.17431 of 2023

18.12.2023