



Crl.O.P.No.24645 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2023

CORAM

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

Crl.O.P.No.24645 of 2023

S.Siva S/o. Suresh

... Petitioner/Accused

Vs.

State by
The Inspector of Police,
Periyanaickenpalayam Police Station,
Coimbatore.

(Crime No.902 of 2022)

...Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C. praying to enlarge the Petitioner on bail concerned in S.C.No.109 of 2023 on the file of the IV Additional Assistant Sessions Court, Coimbatore.

For Petitioner : Mr.P.Pugalenth

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



CrI.O.P.No.24645 of 2023

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ORDER

The petitioner is an accused in S.C.No.109 of 2023, now pending before the IV Additional Assistant Sessions Court at Coimbatore, seeks bail. The charges, which are framed under Sections 457, 392 & 397 of IPC. The petitioner had been remanded to judicial custody on 23.12.2022.

2.The defacto complainant, who was working as a nurse in a hospital, was robbed a gold chain and it is the case of the prosecution that the said offence was committed by the petitioner herein.

3.It is stated that before the IV Additional Assistant Sessions Court at Coimbatore, the matter is now posted for recording of the evidence of prosecution witnesses.

4.The learned counsel for the petitioner states that the petitioner was originally detained under Act 14 of 1982 but subsequently, the said detention order had been quashed.



Crl.O.P.No.24645 of 2023

5. Taking into consideration the period of detention and also the fact that the petitioner has to be given an opportunity to conduct the trial, I am inclined to grant bail to the petitioner 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.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the IV Additional Assistant Sessions Court, 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 trial Court on every Monday at 10.30 a.m., till completion of trial and also appear before the trial Court on all hearing dates.

[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.



Crl.O.P.No.24645 of 2023

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[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.

08.11.2023

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Crl.O.P.No.24645 of 2023

To

1. The IV Additional Assistant Sessions Court, Coimbatore.
2. The Central Prison, Coimbatore.
3. The Inspector of Police,
Periyanaickenpalayam Police Station,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN. J.



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Crl.O.P.No.24645 of 2023

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Crl.O.P.No.24645 of 2023

08.11.2023