



WEB COPY



CrI.O.P.No.25789 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2023

CORAM

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

CrI.O.P.No.25789 of 2023

1.Ashwin Kumar S/o. Udaya Kumar
2.Rajesh S/o. Kalidas
3.Praveen Raj @ Puli Praveen
S/o. Thangaraj

... Petitioners/Accused-1 & 3

Vs.

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

(Crime No.760 of 2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioners on bail in S.C.No.203 of 2023, on the file of
the Principal Assistant Sessions Judge, Coimbatore, on such terms and
conditions.

For Petitioners : Mr.R.Radha Pandian

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



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ORDER

The petitioners/A1 to A3 seek bail in S.C.No.203 of 2023, now pending before the Principal Assistant Sessions Judge, Coimbatore. Originally, Crime No.760 of 2021 had been registered under Sections 147, 148, 341, 294(b), 324, 506(ii), 307, 326, 34 & 149 of IPC.

2.On the earlier occasion, when the application seeking bail was dismissed, NBW was pending against A4 and now A4 had been secured on execution of NBW. That is a significant change in circumstance.

3.It is stated that the matter is now posted for framing of charges. It had been stated that as against the petitioners, NBW had been issued on 12.07.2022 and they had been secured on 26.05.2023 but since all the accused are now before the Court and it is for the Court to conduct trial and ensure the presence of the accused, I am inclined to grant bail to the petitioners subject to the following conditions:

4.Accordingly, the petitioners are ordered to be released on bail on condition to execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two fresh sureties, each for a like sum to the satisfaction of the Additional District Judge/Presiding Officer, Special Court



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for Essential Commodities Act Cases, 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 report before the Trial Court everyday at 10.30 a.m., till completion of trial, apart from the Court hearing dates.

[c] the petitioners shall not abscond either 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 absconds, a fresh FIR can be registered under Section 229A IPC.

08.12.2023

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C.V.KARTHIKEYAN, J.

ata

To

1.The Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore.

2.The Inspector of Police,
Thuriyalur Police Station,
Coimbatore District.

3.The Central Prison, Coimbatore.

4. The Public Prosecutor,
High Court of Madras.

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