



Crl.O.P.No.609 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2024

CORAM

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

Crl.O.P.No.609 of 2024

Ashwin Kumar S/o. Udaya Kumar

...Petitioner/Accused-1

Vs.

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

(Crime No.159 of 2022)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail concerned in S.C.No.176 of 2023 on the file of the II Additional Subordinate Judge, Coimbatore, on such terms and conditions.

For Petitioner : Mr.R.Radha Pandian

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)



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ORDER

The petitioner/A1 in Crime No.159 of 2022, registered by the respondent for the offences under Sections 147, 148, 294(b), 307, 506(ii) of IPC, seeks bail. The petitioner had been remanded to custody on 30.06.2023.

2.It is stated that the petitioner was arrested on execution of Prisoner in Transit warrant and all the accused had been granted bail.

3.The learned counsel for the petitioner pointed out the period of incarceration of the petitioner and the learned Government Advocate (Crl. Side) for the respondent stated that there are several previous cases against the petitioner herein and that he is a history sheeter but however, taking all other factors into consideration and the period of incarceration, I am inclined to grant bail to the petitioner subject to the following conditions:

4.Accordingly, the petitioner is ordered to be released on bail on



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condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two fresh sureties, each for a like sum to the satisfaction of the II Assistant Sub-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 appear before the II Assistant Sub-court, Coimbatore, wherein S.C.No.176 of 2023 is pending, everyday at 10.30 a.m., till completion of trial, apart from the Court 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.

[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



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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.

19.01.2024

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To

1.The II Assistant Sub-court, Coimbatore.

2.The Central Prison, Coimbatore.

3.The Inspector of Police,
Rathinapuri Police Station,
Coimbatore District.

4.The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN. J.



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