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Crl.O.P.Nos.902 and 904 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2024

CORAM

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

Crl.O.P.Nos.902 and 904 of 2024

Manadurai

...Petitioner
(in Crl.OP.No.902 of 2024)

Bala Murali

...Petitioner
(in Crl.OP.No.904 of 2024)

Vs.

State rep. by
The Inspector of Police,
Thadagam Police Station,
Coimbatore District
(Crime No.292 of 2023)

...Respondent
(in both Crl.OPs)

COMMON PRAYER:

Criminal Original Petitions are filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail concerned in Crime No.292 of
2023 pending on the file of the respondent police, on such terms and
conditions.

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For Petitioners : Mr.M.N.Balakrishnan
For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

COMMON ORDER

The petitioner/A1 has filed Crl.OP.No.904 of 2024 and the petitioner/ A2 has filed Crl.OP.No.902 of 2024, both in Cr.No.292 of 2023 registered under Section 379 of IPC.

2. It is stated that both the petitioners are drivers in lorries bearing Regn.Nos.TN-02-S-4975 and TN-38-BS-5344.They were transporting 3000 numbers of unburnt bricks each. It is stated that A3, A4 and A5 were issued with notices under Section 41A of Cr.P.C, but without appearing they had filed an application before the learned Principal Sessions Court at Coimbatore. It is made clear that any order passed in this Court should not influence the Principal Sessions Court at Coimbatore and any reliance made by the learned Principal Sessions Judge of any observation in this Order would only force this Court to draw an observation that the learned Principal Sessions Judge,



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Coimbatore, had not independently applied her mind to the facts of the case. The copy of this Order should be forwarded to the learned Principal Sessions Judge, Coimbatore.

3. In view of the facts that the petitioners are only drivers and not owners of the lorries as A3, A4 and A5 distinguishing the case of these petitioners from the case of A3, A4 and A5 and taking into consideration the period of incarceration and all other factors, this Court is inclined to grant bail to the petitioners subject to the following conditions:

4. Accordingly, the petitioners are ordered to be released on bail on their executing separate bonds 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 No-I, Coimbatore and on further conditions that :-

[a] the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of



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his Aadhar card or Bank pass Book to ensure his identity.

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioners shall make a non-refundable deposit of Rs.10,000/- each to the credit of the Dean, Government General Hospital & Medical College, Coimbatore, for treatment of needy patients.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

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



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Vv

To

1. The Principal Sessions Judge,
Coimbatore
2. The Judicial Magistrate No-I,
Coimbatore
2. The Central Prison,
Coimbatore.
3. The Inspector of Police,
Thadagam Police Station,
Coimbatore District
4. The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN. J.

Vv



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