



Crl.O.P.No.3303 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2024

CORAM

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

Crl.O.P.No.3303 of 2024

Gowtham

...Petitioner

Vs.

State represented by
The Sub Inspector of Police,
E3, Saravanampatty Police Station,
Coimbatore District.
(Crime No.128 of 2017)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in S.C.No.81 of 2023 on the file of the IV Additional Subordinate Court, Coimbatore.

For petitioner : Mr.R.Thamarai Selvan

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

ORDER



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The petitioner who is arrayed as an accused in S.C.No.81 of 2023 pending before the learned IV Assistant Sessions Judge, Coimbatore.

2. Originally, crime No.128 of 2017 had been registered by the respondent Police for the offences under Sections 294(b), 506(ii) and 307 of IPC.

3. Since Non Bailable Warrant was issued against the petitioner on 30.10.2022, the petitioner had been remanded to custody on 24.03.2023.

4. This Court had noted about the examination of the injured victim and it is now stated that the matter is posted for issuing summons to L.W.2, which obviously means that examination of L.W.1/injured witness should have been completed. The other two accused are regularly appearing before the Court.

5. Taking all the factors into consideration and the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Coimbatore and on further conditions



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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., apart from the Court hearing dates, till completion of the trial.

[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.



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To

1. The Judicial Magistrate No.II, Coimbatore.
2. The Central Prison, Coimbatore.
3. The Sub Inspector of Police,
E3, Saravanampatty Police Station,
Coimbatore District.
- 4.The Public Prosecutor, High Court of Madras.

C.V.KARTHIKEYAN. J.

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