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Crl.O.P.No.4054 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

CORAM

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

Crl.O.P.No.4054 of 2024

Gowtham

... Petitioner

Vs.

State By,
Inspector of Police,
Saibaba colony Police Station,
Coimbatore District
Crime No.494 of 2016

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in the case pending before the
Principal District and Sessions Judge, Coimbatore in PRC No.08 of 2017 in
Crime No.494 of 2016 pending on the file of the respondent police.

For Petitioner : Mr.R. Thamarai Selvan

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

ORDER

This petition is filed seeking to enlarge the petitioner on bail who is
an accused in PRC No.08 of 2017 before the Principal District and Sessions
Judge, Coimbatore in connection with the Crime No.494 of 2016 for the



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offences registered under Sections 307 of I.P.C and Section 4 of TNPHW.

2. The petitioner was remanded on 24.03.2023 on conversion of P.T warrant to regular warrant by the learned Judicial Magistrate No.VII, Coimbatore. The other co-accused/A2 and A4 are appearing before the Court. After investigation final report was filed in PRC No.08 of 2017. Earlier this Court has directed the petitioner to file a memo regarding blood sureties who can ensure that the petitioner will respond to the judicial process.

3. The learned counsel for the petitioner has filed a affidavit giving the details of the wife of the petitioner and brother of the petitioner who are having previous cases. **The learned Judicial Magistrate must take up the responsibility of testing the sureties.**

4.Taking all the factors into consideration and the period of incarceration undergone by the petitioner, I am inclined to grant bail to the petitioner subject to the following conditions:

5.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)**



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with two fresh sureties, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.VII 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 his Aadhar card or Bank pass Book to ensure his identity.

[b] the petitioner shall report before the Judicial Magistrate No.VII Coimbatore where PRC No.08 of 2017 is pending on every Monday 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 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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C.V.KARTHIKEYAN,J.

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To
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1.The **Judicial Magistrate No.VII Coimbatore.**

2.Inspector of Police,
Saibaba colony Police Station,
Coimbatore District
Crime No.494 of 2016.

3.The Central Prison, Coimbatore Prison.

4. The Public Prosecutor, High Court of Madras.

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