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Crl.O.P.No.18928 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.18928 of 2024

Karthick.S

...Petitioner/Accused-4

Vs.

The State rep by its
The Inspector of Police,
Podhanur Police Station,
Coimbatore District.
(Crime No.366 of 2019)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
praying to enlarge the petitioner on bail in S.C.No.100 of 2024 pending
before the Principal District and Sessions Judge, Coimbatore in
connection with Crime No.366 of 2019 on the file of the respondent
police.

For Petitioner : Mr.P.Babu

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl. Side)



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ORDER

The petitioner seeks bail in S.C.No.100 of 2024 in Crime No.366 of 2019 on the file of the learned Principal District and Sessions Judge, Coimbatore, for the offences under Sections 147, 148, 201, 302, 341, 380, 397, 447 and 506(ii) of the IPC. The petitioner has been remanded to judicial custody on 12.07.2024 on execution of the NBW issued against him on 30.04.2024.

2.The case of the prosecution is that the petitioner, along with some other persons, trespassed into Olympic Motors Company in Coimbatore on 17.04.2019. They alleged to have killed one Paranthaman and looted a sum of Rs.1,50,000/-, gold chain and bracelets. Hence, the case.

3.Learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that due to the health issues of the petitioner, he could not appear before the Trial Court, as a result of his non-appearance, NBW was issued. Hence, he prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) submitted that NBW



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was issued against the petitioner on 30.04.2024 and the same was executed on 12.07.2024. He further submitted that the petitioner absconded to Thailand and by issuance of a Lookout Circular (LOC), secured the petitioner in the airport. He further submitted that the petitioner had six previous cases. Hence, he vehemently opposed granting bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side, the fact that bail was already granted to the petitioner and thereafter NBW was issued and immediately, the same has been executed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

7. 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)** with two sureties, each for a like sum to the satisfaction of the ***Principal District and Sessions Judge, Coimbatore***, and on further



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conditions that :

[a] the petitioner shall report before the Trial Court on all working days at 10.30 a.m., until further orders.

[b] the petitioner shall not abscond either during investigation or trial;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] 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];

[e] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the BNS.

08.08.2024

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To

1.The Principal District and Sessions Judge,



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Coimbatore

2. Central Prison Coimbatore.

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

4. The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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