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CRL O.P. No.19091 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.08.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.19091 of 2024

Arunkumar @ Kannan S/o. Sreedharan P.K., ... Petitioner/Accused No.5
Vs

State rep. by:-

The Inspector of Police,
Madukkarai Police Station,
Madukkarai, Coimbatore District.
[Cr. No.583 of 2016]

... Respondent

For Petitioner : Mr. A. Ilaya Perumal
For Respondent : Mr. S. Vinoth Kumar
Government Advocate
[Criminal side]

PETITION FOR BAIL Under Sec.483 of B.N.S.S.

PRAYER: - The Criminal Original Petition is filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioner/Accused in Crime No.583 of 2016 on the file of the respondent police.



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ORDER

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The petitioner/Accused no.5, who was arrested and remanded to judicial custody on 05.04.2024 for the offences punishable under sections 395 and 419 of IPC in Crime No.583 of 2016 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused posing themselves as police officials and committed theft of defacto complainant's car. Hence, the case.

3. The learned counsel for the petitioner would contend that the petitioner is in judicial custody for more than 4 months in this case. There is no overt act attributed as against the petitioner. He has been falsely implicated in this case. He is ready to abide by any condition imposed by this Court. Hence, the petitioner may be released on bail.

4. The learned Government Advocate (Criminal Side) would submit that there are totally 9 accused. Initially the case was taken in P.R.C. No.12 of 2020, from which case, A1 to A3, A7 and A8 were split



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up due to their non-appearance before the Court in P.R.C. No.30 of 2023 and NBW was issued against them. The case in P.R.C. No.12 of 2020 against A4 to A6 and A9 was committed to Sessions Court and the same is pending in S.C. No.160 of 2024 before the Principal Assistant Sessions Court, Coimbatore. The petitioner was arrested on execution of NBW. The trial is in progress. Hence he objected to grant bail to the petitioner.

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

6. Considering the rival submissions on either side and considering the fact that due to the non-appearance of the petitioner, NBW was issued and the case was split up as against the petitioner and the case is under trial, some of the co-accused were granted bail and taking into consideration the period of incarceration of the petitioner and considering the fact that investigation is completed, I am inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, each of the petitioners is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten



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Thousand only) with two sureties each for a like sum to the satisfaction of the **District Munsif cum Judicial Magistrate Court, Madukkarai, Coimbatore** and on further conditions that:

[b] the petitioner shall report before the District Munsif cum Judicial Magistrate Court, Madukkarai, Coimbatore daily at 10.30 A.M. until further orders.

[c] the petitioner shall not commit any offences of similar nature.

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

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

[f] On breach of any of the aforesaid conditions, the learned Judicial 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.



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index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
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To

1.The District Munsif cum Judicial Magistrate Court, Madukkarai,
Coimbatore.

2.The Inspector of Police,
Madukkarai Police Station,
Madukkarai, Coimbatore District.

3.The High Security Prison,
Viyyur, Thrissur, Kerala.

4.The Public Prosecutor, High Court, Madras.

P.DHANABAL,J

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