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Crl.O.P.No.22968 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.22968 of 2024

V.Mohanambal

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
R.S.Puram Police Station,
Coimbatore.
(Crime No. 278 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No. 278 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.G.Balaji

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 30.08.2024, for the alleged offence punishable under Sections 329(4), 109,
351(1) of BNS @ under Sections 109, 191(2), 191(3), 329(4), 332(b), 351(3),



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62(a) of BNS in Crime No. 278 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant, who works as a collection agent in a Finance Company was attacked by the accused, who are all friends. Due to previous enmity between the defacto complainant and the accused, on 27.08.2024, at about 7.00 p.m, all the accused trespassed into the place of occurrence and attacked the defacto complainant with a knife, stone, causing injuries to his neck, hand and other vital organs. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that petitioner is an innocent person and she has been falsely implicated in this case. He further submit that she has not committed any offence as alleged by the prosecution. He further submit that the petitioner's name was not found place in the FIR and she is in judicial custody for more than 25 days. Hence, he prayed for bail stating that, the petitioner is ready to abide by any stringent conditions that may be imposed by this Court.



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4. Learned Government Advocate (Criminal Side) appearing for the respondent police raised objection stating that there are totally 16 accused in this case and the petitioner herein is arrayed as A5. He further submits that on the date of the alleged occurrence, due to previous enmity, the petitioner along with other accused persons trespassed into the place of occurrence and attacked the defacto complainant with a knife and a stone, causing injuries to him. He further submits that the injured was discharged from the hospital. He further submits that the petitioner has no previous case, pending against her. However, he opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and also perused the materials available on record.

6. Considering the submissions made by the learned counsel on either side, nature of offence, and that the petitioner is not a named accused in the FIR and considering the period of incarceration undergone by the petitioner, injured was discharged from the hospital, and the petitioner has no previous case, pending against her, and also considering all others factors, I



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am inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on her 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 Judicial Magistrate No.I, Coimbatore, and on further conditions that:-

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

[b] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[c] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[d] the Petitioner shall not abscond either during investigation or trial;



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[e] 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]; and

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

19.09.2024

drl

To

- 1.The Judicial Magistrate No.I,
Coimbatore.
- 2.The Inspector of Police,
R.S.Puram Police Station,
Coimbatore.
- 3.The Superintendent,
Central Prison, Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

drl



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