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Crl.O.P.No.24205 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.24205 of 2024

Mathan @ Mohammed Sabi

...Petitioner/Accused-1

Vs.

State rep by
The Inspector of Police,
Avinashi Police Station
Tiruppur District.
(Crime No.1868 of 2020)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of BNSS.,
praying to enlarge the petitioner on bail in S.C.No.144 of 2021 pending
before the Assistant Sessions Judge, Avinashi.

For Petitioner : Mr. W.Camyles Gandhi

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

ORDER



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The petitioner seeks bail in S.C.No.144 of 2021 on the file of the learned Assistant Sessions Judge, Avinashi, in Crime No.1868 of 2020 on the file of the respondent police, for the offences under Sections 294(b), 341 and 307 IPC. The petitioner has been remanded to judicial custody on 19.03.2024 on execution of the NBW issued against him.

2. 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 already bail was granted to the petitioner and due to his non appearance before the Trial Court, NBW was issued. Hence, he prays for the grant of bail to the petitioner.

3. Learned Government Advocate (Crl.Side) submitted that NBW was issued against the petitioner and the same was executed. Hence, he vehemently opposed granting bail to the petitioner.

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



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5. Considering the rival submissions on either side, the fact that bail was already granted to the petitioner and thereafter due to his non appearance NBW was issued and 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:

6. 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 *Assistant Sessions Judge, Avinashi* and on further conditions that :

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

[b] The petitioner shall attend in accordance with the conditions of the bond;

[c] The petitioner shall not commit any offence similar to the



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offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] The petitioner shall not abscond either during investigation or trial;

[e] 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 or tamper with evidence;

[f] 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]; and

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



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vsg

To

1. Assistant Sessions Court, Avinashi.
2. Central Prison, Coimbatore.
3. The Inspector of Police,
Avinashi Police Station
Tiruppur District.
4. The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

vsg



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