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CRL O.P. No.25667 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.25667 of 2024

Suresh,
S/o.Kalimuthu

... Petitioner

Vs

State rep. by:-

The Inspector of Police,
B1-Bazaar Police Station,
Coimbatore District.
[Cr.No.432 of 2017]

... Respondent

PRAYER: - Criminal Original Petition filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioner/Accused in Crime No.432 of 2017 on the file of the respondent police.

For Petitioner : Mr.N.Arun Kumar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.04.2024 for the offences punishable under sections 294(b), 336, 324, 506(ii) of IPC in C.C.No.265 of 2017 in Crime No.432 of 2017 on the file of the Judicial Magistrate Court-V, Coimbatore, seeks bail.

2. The case of the prosecution is that on 04.05.2017, this petitioner went to the defacto-complainant's tea shop in a inebriated condition and invited quarrel with him. This petitioner along with other accused were attacked the defacto-complainant with stones and threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner would contend that already the trial Court was granted bail to the petitioner, due to his non appearance the trial Court had issued Nonailable Warrant against the petitioner on 04.12.2023 and the same was executed by the respondent police and the petitioner was arrested and remanded to judicial custody on 10.04.2024.



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Due to his ill-health, the petitioner was not able to appear before the trial Court. This petitioner has not committed any offence as alleged by the prosecution. This petitioner has been falsely implicated in this case. This petitioner is an innocent person and he has nothing to do with the commission of alleged offences and he is ready to abide by any condition imposed by this Court. Hence, he seeks bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner assaulted the defacto-complainant with stones. Already, the trial Court was granted bail to the petitioner, due to his non appearance the trial Court has issued Nonailable Warrant against the petitioner on 04.12.2023 and the same was executed by the respondent police and the petitioner was arrested and remanded to judicial custody on 10.04.2024. Hence, he objected to grant bail to the petitioner.

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



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6. Considering the rival submissions on either side and considering the nature of offence, already the trial Court has granted bail to the petitioner, due to his non-appearance, the trial court had issued Non Bailable Warrant against the petitioner and the same was executed by the respondent police, the petitioner is in judicial custody from 10.04.2024 and the sessions case is posted for the examination of witnesses and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 learned **Judicial Magistrate Court-V, Coimbatore** and on further conditions that:

[b] the petitioner shall report before the concerned trial Court on all working days at 10.30a.m until further orders;



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

[d] the petitioner shall not commit any offence similar to the offence of which he is accused; or suspected, or of the commission of which he is suspected; and

[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 the evidence;

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

[g] 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].



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[h] If the accused thereafter absconds, a fresh FIR can be registered

under Section 269 B.N.S.

18.10.2024

index: Yes/No

Internet: Yes/No

Speaking/Non Speaking order

gvn

To

1. The Judicial Magistrate Court-V, Coimbatore.

2. The Inspector of Police,
B1-Bazaar Police Station,
Coimbatore District.

3. Central Prison, Coimbatore.

4. The Public Prosecutor,
High Court, Madras.



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P.DHANABAL,J
gvn

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