



Crl.O.P.No.26982 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.26982 of 2024

1. Karthick, S/o.Mani

2. Karthick, S/o.Samynathan ...Petitioners/Accused Nos. 2 & 3

Vs.

The Inspector of Police,
Thondamuthur Police Station
Coimbatore District
(Crime No.212 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on bail in Cr.No. 212 of 2024 on the file of the respondent police.

For Petitioner : Mr. W.Camyles Gandhi

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



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ORDER

The petitioners, who were arrested on 26.09.2024 and remanded to judicial custody on the same day for the offences under Sections 303(2) of BNS and 21(1) of Mines and Minerals Act, in Crime No. 212 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused were illegally run the brick kiln and manufactured bricks in the night hours. Hence, the case.

3. Learned counsel for the petitioners submitted that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution, and they have been falsely implicated in this case. He further submitted that the petitioners are law-abiding citizens and they are ready to furnish substantial sureties for their due release on bail; therefore, he prays for the grant of bail to the petitioners.



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4. Learned Government Advocate (Crl.Side) objected for granting bail to the petitioners stating that the petitioners along with other accused were illegally run the brick kiln and manufactured bricks in the night hours and there are no previous cases against the petitioners.

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

6. Considering the submissions made on both sides, considering the nature of offence and also taking into consideration the period of incarceration undergone by the petitioners from 26.09.2024 and also the petitioners have no previous cases, this Court is inclined to grant bail to the petitioners with certain conditions:

[a]. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) each** with two sureties, each for a like sum to the satisfaction of the learned ***Judicial Magistrate-VI, Coimbatore***, and on further conditions that:

[b] the petitioners shall report before the respondent police



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daily at 10.30 a.m., until further orders;

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

[d] The petitioners shall not commit any offence similar to the offence of which they are accused, or suspected, or of the commission of which they are suspected;

[e] The petitioners shall not abscond either during investigation or trial;

[f] the petitioners 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 them from disclosing such facts to the court or to any police officer or tamper with evidence;

[g] on breach of any of the aforesaid conditions, the learned



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Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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

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

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To

1.Judicial Magistrate No.VI, Coimbatore.

2.Central Prison, Coimbatore.

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

4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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