



CRL O.P. No.3576 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

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Mathavan @ Thakkali

... Petitioner / Accused

Versus

State rep. by:
Inspector of Police,
Saibaba Colony Police Station,
Coimbatore District.
(Crime No.111 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S., praying to enlarge the petitioner on bail in C.C.No.1348 of 2024 in Crime No.111 of 2024 on the file of the the learned Judicial Magistrate Court No.VII, Coimbatore.

For Petitioner : Mr. A. Saranraj

For Respondent : Mr. A. Gopinath,
Government Advocate (Crl. Side).



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ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 19.09.2024, seeking bail in C.C.No.1348 of 2024 on the file of learned Judicial Magistrate No.VII, Coimbatore, in Crime No.111 of 2024 registered for the offence under Sections 294(b), 353 & 506(ii) IPC.

2. The case of the prosecution is that the petitioner that a non bailable warrant was issued in a sessions case due to his absence; that when the police officials went to execute the warrant, the petitioner tried to escape and used obscene words and threatened using knife and thereby restrained them from doing their official duty and fled away from that place; that thereafter, he has voluntarily surrendered and recalled the warrant on 15.09.2024 in the said case; and that he has been formally arrested in the present case on P.T. Warrant on 19.09.2024 and remanded to judicial custody. Hence, the case.



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3. 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 he has voluntarily surrendered before the trial Court and the petitioner is in custody from 19.09.2024 and since further custody is not required, the petitioner may be released on bail.

4..Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the case of the prosecution. He further submitted that since the case is pending for trial, if the petitioner is released on bail, there is every possibility of him absconding again and not available for trial. The learned Government Advocate further submitted that there are four previous cases against the petitioner.

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



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6. Considering the aforesaid facts; the period of incarceration; and since further custody is not required, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.VII, Coimbatore.

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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

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

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take



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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]***;

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

13.02.2025

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To

1.The Public Prosecutor,
High Court of Madras,
Chennai.

2.The Inspector of Police,
Saibaba Colony Police Station,
Coimbatore District.

3.The Judicial Magistrate No.VII,
Coimbatore

4.The Superintendent
Central Prison, Coimbatore.

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SUNDER MOHAN. J,

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