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Crl.O.P.No.4732 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL O.P NO.4732 of 2025

Suhbhani
S/o. Sindhasha

....Petitioner/Accused

Vs

The State by
The Inspector of Police,
Race Course Police Station,
Coimbatore, Crime No. 558 of 2024

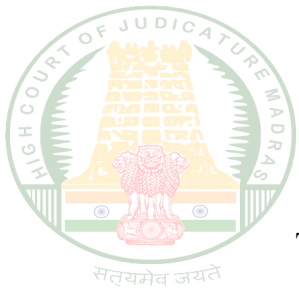
....Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on anticipatory bail in the event of his arrest **in Crime No.558 of 2024**, on the file of the respondent police.

For Petitioner : Mr. Xavier Felix

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

ORDER



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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 143, 195(A) & 503 of I.P.C (old code) under section 189(2), 232, 351(3) of B.N.S.S 2023 (new code), in Crime No.558 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. This is the second anticipatory bail application before this Court. The earlier bail application in Crl.O.P. No.29987 of 2024 was dismissed on 11.12.2024 by Hon'ble Mr. Justice A.D.Jagadish Chandira, and this bail petition is listed before this Court pursuant to the orders passed by the Hon'ble Division Bench of this Court in Crl.O.P. No.31787/2024 on 04.03.2025.

3. The case of the prosecution is that, the petitioner along with six other accused had threatened a witness in a murder case not to depose against A1 to A6, who are charged in the said murder case and that the petitioner who is the father of A1 was also present and threatened the witness.

4. The learned counsel appearing for the petitioner would submit



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that A1 to A6, who are all the accused in the murder case, had surrendered after the dismissal of the Anticipatory bail on 11.12.2024; that the petitioner was not arrested so far and that the petitioner has nothing to do with the alleged offence, and considering the age of the petitioner, sought for anticipatory bail.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police confirmed the abovesaid facts and also submitted that A1 to A6, who are the accused in the murder case in S.C. No.195 of 2017, had surrendered in this case and they are still in custody and the investigation is still pending in the instant case.

6. Considering the fact that the petitioner is not an accused in the murder case and the fact that the main accused had surrendered and are still in custody, the fact that the petitioner is the father of A1 and he has not been arrested so far by the respondent and, since the custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in



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the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate No.III, Coimbatore**, on condition that the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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 tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions,



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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].

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

24.03.2025

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To

1. The Judicial Magistrate No.III, Coimbatore.
2. The Inspector of Police,
Race Course Police Station,
Coimbatore, Crime No. 558 of 2024
3. The Public Prosecutor, High Court, Madras.



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SUNDER MOHAN, J.

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