



Crl.O.P.No.5317 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.5317 of 2025

Siva @ Sivasubbu

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Periyanaickenpalayam Police Station,
Coimbatore.
(Crime No.458 of 2024).

... Respondent

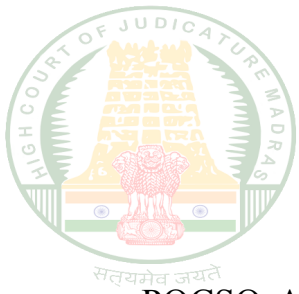
PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.458 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.T.Ananthasekar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 09.06.2024 seeking bail in S.C.No.267 of 2024 pending trial on the file of the learned Sessions Judge, Mahila Court/Additional Special Court for Exclusive Trial of Cases under



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POCSO Act, Coimbatore, in connection with Crime No.458 of 2024 registered for the offences punishable under Sections 147, 148, 294(b), 447, 448, 323, 324, 307, 506(ii), 109, 326, 34 of IPC, Section 4 of Tamil Nadu Prohibition Act, 1937 and Section 3 of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 .

2. Learned counsel appearing for the petitioner submitted that the petitioner is facing prosecution for the offence under Sections 147, 148, 294(b), 447, 448, 323, 324, 307, 506(ii), 109, 326, 34 of IPC, Section 4 of Tamil Nadu Prohibition Act, 1937 and Section 3 of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 ; that the petitioner was initially granted bail during the investigation; and that during the trial, the respondent police have moved an application for cancellation of bail before the learned Sessions Court and the same was allowed and the petitioner was arrested; and that in any case, petitioner is in custody from 09.06.2024 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) reiterated the prosecution



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case and submitted that there are six previous cases against the petitioner and in those cases, petitioner is on bail.

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

6. Considering, the aforesaid facts; the period of incarceration; petitioner is on bail in other cases 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 **Sessions Judge, Mahila Court/Additional Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore**, and on further conditions that:

[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;



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[b] the petitioner shall report before the trial Court on all working day 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 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.

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To



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1. Sessions Judge, Mahila Court/Additional Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore.
2. The Inspector of Police,
Periyanaickenpalayam Police Station,
Coimbatore.
3. The Superintendent,
Central Prison, Tiruchirapalli.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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