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CrI.O.P.No.7165 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.7165 of 2025

Inbaraj

... Petitioner

Vs.

State, Rep. by Inspector of Police
Karumathampatti Police Station
Coimbatore District
(Crime No.122 of 2018)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail in the case connected with Sessions Case No.240 of 2018 on the file of the III Additional District Judge, Coimbatore.

For Petitioner : Mr.S.Selvakumar

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

ORDER

This Criminal Original Petition has been filed by the petitioner/A2, who was arrested and remanded to judicial custody on 08.08.2024, seeking bail in Crime No.122 of 2018 registered for the offence under Sections 302, 404 IPC.

2.The case of the prosecution is that the petitioner, who is an accused facing trial in Sessions Case No.240 of 2018 on the file of the III Additional District Judge, Coimbatore, did not appear before the said Court for the hearing on 09.12.2019, owing to which, a non bailable warrant was issued against him on the same day and he was secured and remanded to judicial custody on 08.08.2024. The



case is now posted on 24.03.2025 for examination of LW3 to LW5.

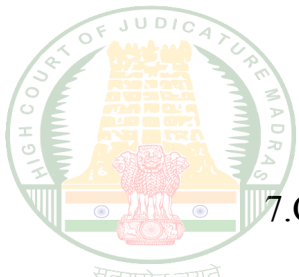
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3.Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner is in custody from 08.08.2024. He further submitted that the petitioner is a daily wager and had gone to Kerala to do daily wage work and that he was not aware of the hearing date 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) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the case of the prosecution. The learned Government Advocate further submitted that since the case is pending for examination of witnesses, 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 the petitioner had another case, which is similar in nature and the same is pending at the stage of PRC.

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.For the petitioner's absence before the trial Court, he has suffered incarceration from 08.08.2024. It would also seen that Sessions Case No.240 of 2018 is posted for trial before the trial Court.



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7.Considering the aforesaid facts, nature of allegations, period of incarceration undergone by the petitioner and the fact that the petitioner was released on bail in the previous case and since further custody of the petitioner is not required. this Court is inclined to grant bail to the petitioner with certain conditions.

8.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 III Additional District Judge, 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;

[b] the petitioner shall report before the learned III Additional District Judge, Coimbatore. everyday at 10.30 a.m., until further orders;

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

[e] 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 of B.N.S.

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SUNDER MOHAN, J.

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To

1.The III Additional District Judge, Coimbatore

2.The Inspector of Police
Karumathampatti Police Station
Coimbatore District

3.The Superintendent,
Central Prison, Coimbatore.

4.The Public Prosecutor,
High Court of Madras.

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