



Crl.O.P.No.9177 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.9177 of 2025

1.S.Sakthivel
2. M.Jaykumar

... Petitioners/A4 & A5

Vs.

The State represented by,
The Inspector of Police,
B-2, R.S.Puram Police Station,
Coimbatore District.
(Crime No.105 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioners on bail, in connection with the Crime No.105 of 2025, pending investigation on the file of the respondent Police.

For Petitioners : Mr.S.Rajkumar

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

ORDER

This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 04.03.2025, seeking bail in Crime No.105 of 2025 registered for the offence under Sections 191(2), 191(3), 296(b), 115(2), 118(1), 351(3), 109(1) of BNS @ 191(2), 191(3), 296(b), 115(2), 118(1), 109 and 351(3) of BNS.



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2. The case of the prosecution is that, due to previous enmity, petitioners (A4 & A5) along with other accused abused the defacto complainant in filthy language; that A1 assaulted the victim with iron rod and A3 attacked the victim with roof tiles and A2, A4 & A5 attacked the victim with hands. Hence, the case.

3. Learned counsel appearing for the petitioners seeks permission of this Court to withdraw this petition in respect of the 1st petitioner since there is a proposal for detaining him under goondas act and to that effect, he had also made an endorsement in the petition. He further submitted that the 2nd petitioner/A5 is an innocent person and he has been falsely involved in this case. He further submitted that the 2nd petitioner/A5 is in custody from 04.03.2025 and further custody is not required for the purpose of investigation. Hence, he prayed for grant of bail to the 2nd petitioner/A5.

4. Learned Government Advocate (Crl.Side) reiterated the prosecution case and submitted that, injured has been discharged from the hospital and there is no previous cases against the petitioner.



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

6. In view of the endorsement made by the learned counsel for the petitioners, this Criminal Original Petition is dismissed as withdrawn in respect of the 1st petitioner. Considering the nature of allegation as against 2nd petitioner/A5; that there is no bad antecedents, period of incarceration, and since further custody is not required for the purpose of investigation, **this Court is inclined to grant bail in respect of the 2nd petitioner/A5 with certain conditions.**

7. Accordingly, the 2nd petitioner/A5 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.1, 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



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obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the 2nd petitioner/A5 shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the 2nd petitioner/A5 shall not abscond either during investigation or trial;

[d] the 2nd petitioner/A5 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 2nd petitioner/A5 in accordance with law as if the conditions have been imposed and the 2nd petitioner/A5 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

1. Judicial Magistrate -I, Coimbatore.
2. The Inspector of Police,
B-2, R.S.Puram Police Station,
Coimbatore District.
3. The Superintendent,
Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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