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Crl. O.P. No.10585 of 202



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.10585 of 2025

1.Hariharan
2.Surya Prakash @ Surya
3.Salman Ahmed

... Petitioners/Accused 6, 10 & 11

Vs.

The State represented by
The Inspector of Police,
Selvapuram Police Station,
Coimbatore District.

(Crime No.79 of 2024)

... Respondent

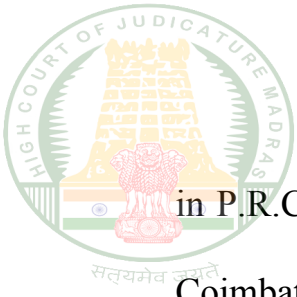
PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioners on bail, in connection with PRC.No.10 of 2025 on the file of the learned Chief Judicial Magistrate, Coimbatore.

For Petitioners : Mr.R.Thamaraiselvan

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

ORDER

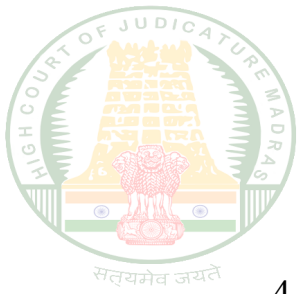
This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 05.10.2024 seeking bail



in P.R.C.No.10 of 2025 on the file of the learned Chief Judicial Magistrate, Coimbatore, for the offence under Sections 394, 397 @ 120(B), 395, 397, 412, 414 of IPC and Section 111(2) of BNS, 2023.

2. The case of the prosecution is that the defacto complainant is a Gold Smith; that he used to receive pure gold from the other gold smiths and convert the same as gold jewels and hand over the same to them; that on 22.04.2024, the defacto complainant packed gold jewels weighing 270 grams in a box and kept the same in a bag and proceeded along with one Santhakumar in a two wheeler; that at about 11.55 hours, when both of them were travelling near Selvasinthamani Kulam, a car came and hit the defacto complainant's two-wheeler, due to which they had fallen down; that at that time, the petitioners along with the other accused got down from the car and threatened the defacto complainant by showing knife, attacked them and caused injuries and robbed the bag and fled away from the place. Hence, the case.

3.Learned counsel appearing for the petitioners would submit that the petitioners are innocent and that they are sought to be implicated on the confession of co-accused; and that the petitioners are in custody from 05.10.2024 and hence, they may be released on bail.



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4.Learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that the first petitioner has nine previous cases, the second petitioner has six previous cases and the third petitioner has nine previous cases and they are on bail in all the cases.

5.Considering the nature of allegations, the fact that the petitioners are sought to be implicated on the confession of co-accused, the petitioners are on bail in the previous cases, the fact that except these petitioners, all other accused have been granted bail by the lower Court, this Court is of the view that further custody of the petitioners is not required. Hence, this Court is inclined to grant bail to the petitioners with certain conditions:

6. Accordingly, the petitioners are ordered to be released on bail on their executing separate bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only) each** with **two sureties**, each for a like sum to the satisfaction of the learned **Chief Judicial Magistrate, Coimbatore**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the



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

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

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

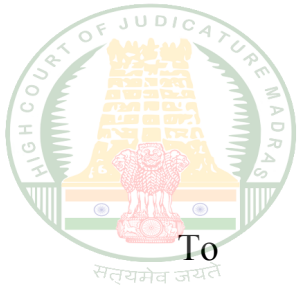
[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

09.04.2025

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To

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- 1.The Chief Judicial Magistrate, Coimbatore.
- 2.The Inspector of Police,
Selvapuram Police Station,
Coimbatore District.
- 3.The Superintendent of Prison, Central Prison, Coimbatore.
- 4.The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN, J.
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