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Crl.O.P.No.10964 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL O.P NO.10964 of 2025

Aszath H
S/o. Habibur Rahman

....Petitioner/Accused

Vs

The State represented by
The Inspector of Police,
Race Course Police Station,
Coimbatore District
Crime No. 188 of 2025

....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.188 of 2025**, on the file of the
respondent police.

For Petitioner	: Mr. C.D.Sugumar
For Respondent	: Mr. S. Balaji Government Advocate (Crl. Side)



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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 189(2), 296(b), 115(2), 118(1), 126(2), 308(2), 324(4) & 351(3) of BNS, in Crime No.188 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused 1 and 2 along with the other accused including the petitioner waylaid the *de facto* complainant and his friend, attacked them and took away the Innova car bearing Resigtration No.TN 66 AS 7448 and a mobile phone belonging to the *de facto* complainant and that in the said attack the *de facto* complainant and his friend sustained injuries. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent; that the petitioner is falsely implicated on the confession of the co-accused and that the petitioner is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and prayed for anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and submitted that the co-accused had been arrested and are still in custody; that the petitioner is implicated on the confession of the co-accused; that the car has been recovered and that the petitioner has no bad antecedent.

5. Considering, the nature of allegation against the petitioner, that the petitioner has no bad antecedent and is implicated based on the confession of the co-accused; that the car has been recovered, and since custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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



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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, 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



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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.

15.04.2025

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To

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



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SUNDER MOHAN, J.

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