



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.12757 of 2025

A.Afsal

...Petitioner/Accused 5

Vs.

State rep by
The Inspector of Police,
Kuniyamuthur Police Station,
Coimbatore City.

(Crime No.97 of 2025)

... Respondent

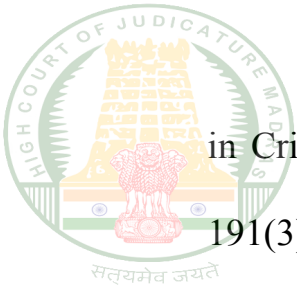
PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.97 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Vivekananthan

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 06.04.2025, seeking bail



in Crime No.97 of 2025 registered for the offence under Sections 191(2), 191(3), 140(4), 296(b), 115(2), 118(1), 353(3) of BNS, 2023.

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2.It is the case of the prosecution that on account of prior enmity, the petitioner along with the other accused had abused the defacto complainant in filthy language, threatened him of dire consequences and attacked him with wooden logs and caused injuries. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent; that the injured has been discharged from the hospital; that the similarly placed co-accused was granted bail by this Court in Crl.O.P.No.12038 of 2025 on 22.04.2025; that the petitioner has no bad antecedents; and that in any case, the petitioner is in custody from 06.04.2025 and hence, further custody is not required and sought for bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and confirmed the facts that the injured has been discharged from the hospital, the co-accused was granted bail by this Court and the petitioner has no bad antecedents.



5.Heard the learned counsel on either side and perused the materials available on record.

6.Considering the nature of allegations, the period incarceration, the fact that the injured has been discharged from the hospital, the similarly co-accused was granted bail by this Court, the petitioner has no bad antecedents and since further custody of the petitioner is not required for the purpose of investigation, 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 **Judicial Magistrate No.VII, 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 respondent Police,
everyday at 5.30 p.m., until further orders;

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

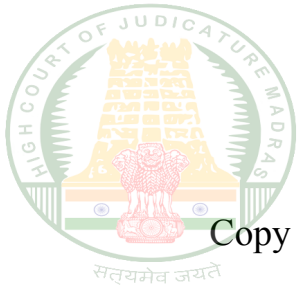
[d] the petitioner shall not tamper with evidence or witness either
during investigation or trial;

[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.

25.04.2025

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- 1.The Inspector of Police,
Kuniyamuthur Police Station,
Coimbatore City.
- 2.The Judicial Magistrate No.VII, Coimbatore.
- 3.The Superintendent of Prison,
Central Prison, Coimbatore.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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