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Crl.O.P. Nos.14523 and 14531 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.05.2025

CORAM

THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P. Nos.14523 and 14531 of 2025

1. V.M. Mohammed Shajith ... Petitioner in Crl.O.P.No.14523 of 2025/ A6
2. Suhabu @ Suhaib
3. Sheik Salman @ Shick Salman ... Petitioners in Crl.O.P.No.14531 of 2025/
A8 & A9

Vs.

The State Rep. By,
The Inspector of Police,
Kuniyamuthur Police Station,
Coimbatore District.
(Crime No.97 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail, in connection with Crime No.97 of 2025, pending investigation on the file of the respondent.

For Petitioners : Mr. C.S. Saravanan

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



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ORDER

Petition seeking bail in respect of Crime No.97 of 2025 registered for the alleged offences punishable under Sections 115(2), 118(1), 140(4), 191(2), 191(3), 296(b) and 353(3) of BNS (323, 324, 367, 147, 148, 294(b) and 505 of IPC), is on board for consideration.

2. The case of the prosecution is that on account of prior enmity related to a love affair between the defacto complainant and a girl, who belongs to the petitioner's community, the petitioners along with other accused kidnapped and assaulted the defacto complainant using wooden sticks and also threatened him of dire consequences. Hence, this case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent, they have been falsely implicated in this case and they have not committed any offence as alleged by the prosecution; that the petitioners have been arrested and remanded to judicial custody on 05.04.2025. He further submitted that the co-accused/ A1 was granted bail by this Court, vide order dated 22.04.2025 in Crl.O.P.No.12038 of 2025; and that

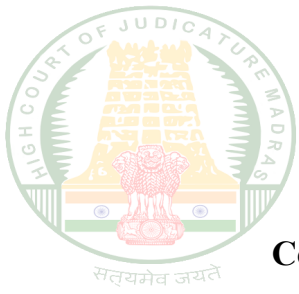


the petitioners are ready to abide by any stringent conditions that may be imposed by this Court and ready to co-operate for the investigation and prayed for bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent reiterated the prosecution case and on instruction submitted that there are totally 10 accused in this case and the petitioners herein are arrayed as A3, A8 and A9. He further submitted that the investigation is pending and opposed the bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case, the nature of allegation against the petitioners, the submissions made by the learned counsels on either side, the fact that the co-accused/ A1 was already granted bail and the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail with the following conditions:

(1) The petitioners shall execute a bond for **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties each for a like sum to the satisfaction of the **learned Judicial Magistrate No.VII,**



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(2) The petitioners shall report before the respondent police daily at 10:30 a.m., for a period of 15 days and thereafter as and when required for interrogation;

(3) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Metropolitan Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(4) The petitioners shall make themselves available for interrogation by a Police Officer as and when required;

(5) The petitioners shall not directly or indirectly cause any threat to the defacto complainant and witnesses;

(6) The petitioners to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

(7) On breach of any of the aforementioned conditions, the learned Metropolitan Magistrate is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)13 SCC 283].



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(8) If the accused thereafter abscond, a fresh FIR can be registered under Section 269 of B.N.S.

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Note:-

- 1. Registry is directed to forthwith upload this order in the official website of this Court.**
- 2. All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.**

To

1. The Judicial Magistrate No.VII,
Coimbatore.
2. The Inspector of Police,
Kuniyamuthur Police Station,
Coimbatore District.
(Crime No.97 of 2025)
3. The Superintendent,
Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.

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M. NIRMAL KUMAR, J.

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