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Crl.O.P. No.14485 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. No.14485 of 2025

H. Abuthahir

... Petitioner/ Accused No.6

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 Petitioner : Mr. K. Thenrajan

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), 192(2), 296(b), 353(3) of BNS, 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 petitioner along with other accused assaulted the defacto complainant using wooden sticks and also threatened him of dire consequences. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent, he has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution; that the petitioner has 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 petitioner is 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



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the petitioner.

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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 petitioner herein is arrayed as A6. He further submitted that the investigation is pending and opposed the bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case, the nature of allegation against the petitioner, 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 petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail with the following conditions:

(1) The petitioner 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, Coimbatore.**



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(2) **The petitioner 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 petitioner shall make himself available for interrogation by a Police Officer as and when required;

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

(6) The petitioner 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 petitioner 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 absconds, a fresh FIR can be

registered under Section 269 of B.N.S.

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ari/ stn

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 District.
4. The Public Prosecutor,
High Court of Madras.



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M. NIRMAL KUMAR, J.

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