

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2025

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.32095 of 2024

Nishardeen

.. Petitioner

Vs.

State rep. by its
The Inspector of Police,
B-1 Bazaar Police Station,
Coimbatore District.
(Crime No. 259 of 2019)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in S.C.No.17 of 2020 on the file of the III Additional Subordinate Judge at Coimbatore in Cr. No.259 of 2019 on the file of the respondent.

For Petitioner : Mr.S.Senthilvel

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Cr1.Side)

ORDER

Petition seeking bail in S.C.No.17 of 2020 on the file of the III Additional Subordinate Judge at Coimbatore in Cr. No.259 of 2019 on the file of the respondent. registered for the offences punishable under Section 364, 394,

397, 506(ii) of IPC is on board for consideration.

2.The incarceration of the petitioner being from 26.04.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner is an accused facing trial in S.C.No.17 of 2020 on the file of the III Additional Subordinate Judge at Coimbatore. He further submits that due to illness the petitioner was unable to appear before the trial Court on 07.09.2023, thereby, the trial Court has issued a Non Bailable Warrant of arrest against him and pursuant to the same, he was arrested on 26.04.2024. He further undertakes that the petitioner will appear before the trial Court on all hearing dates without fail and he will co-operate for speedy disposal of the trial. Hence, he prayed for grant of bail to the petitioner.

3.The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the petitioner is an accused facing trial in S.C.No.17 of 2020 on the file of the III Additional Subordinate Judge at Coimbatore. As the petitioner did not appear before the said Court for the hearing on 07.09.2023, a non bailable warrant was issued against him on the same day and he was secured and remanded to judicial custody on 26.04.2024. The case is now posted on

30.01.2025 for examination of LW1 to LW5. Since the case is pending for examination of witnesses and in case, the petitioner is released on bail, he may again abscond. He further submits that there are eleven previous cases against the petitioner.

4.Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions and 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**, (out of which, one surety should be a blood related surety) each for a like sum to the satisfaction of the learned III Additional Subordinate Judge at 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 learned III Additional Subordinate Judge at Coimbatore on all working days at 10.30 a.m., until further orders;

[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 of B.N.S.

28.01.2025

sai

A.D.JAGADISH CHANDIRA, J.
sai

To

1.The III Additional Subordinate Judge,
Coimbatore.

2.The Inspector of Police,
B-1 Bazaar Police Station,
Coimbatore District.

3.The Superintendent,
Central Prison, Coimbatore.

4.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.32095 of 2024

28.01.2025