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Crl.O.P.No.29049 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2024

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

Crl.O.P.No.29049 of 2024

Kaja Hussain

... Petitioner

Vs.

The State represented by,  
The Inspector of Police,  
D2 Selvapuram Police Station,  
Coimbatore District.  
(Crime No.242 of 2024).

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner on bail, in connection with the Crime No.242 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.W.Camyles Gandhi

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

### **ORDER**

This Criminal Original Petition has been filed by the petitioner/A1, who was arrested and remanded to judicial custody on 24.10.2024, seeking bail in Crime No.242 of 2024 registered for the offences under Sections 61(2) and 310 (4) of BNS.



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2. The case of the prosecution is that when the respondent and his team were on their regular patrol duty, they have seen that the accused had conspired together and were found preparing for committing dacoity. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case, since he has got some previous cases. He further submitted that a reading of the First Information Report would also show that the present case is a foisted one and the petitioner is no way connected with the alleged offence, whereas, in order to keep the petitioner under fetters, the respondent had implicated the petitioner in this case. He also submitted that the petitioner is in custody from 24.10.2024 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, submitted that the petitioner/A1 and the other accused were arrested while



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they were making preparation for committing dacoity. He further submitted that six previous cases are pending against the petitioner.

5. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, 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 learned **Judicial Magistrate No.V, Coimbatore District**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the



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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 06.30 p.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.

**21.11.2024**

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To  
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1. The Judicial Magistrate No.V,  
Coimbatore District.
2. The Inspector of Police,  
D2 Selvapuram Police Station,  
Coimbatore District.
3. The Central Prison,  
Coimbatore.
4. The Public Prosecutor,  
High Court of Madras.



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**A.D.JAGADISH CHANDIRA.,J.**

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