



Crl.O.P.Nos.29608 & 29617 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2024

CORAM

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

Crl.O.P.Nos.29608 & 29617 of 2024

Diviya Raja ... Petitioner in Crl.O.P.No.29608 of 2024

Santhakumar ... Petitioner in Crl.O.P.No.29617 of 2024

Vs.

The State represented by,
The Inspector of Police,
B2, R.S.Puram Police Station,
Coimbatore District.
(Crime No.369 of 2024).

... Respondent in both Crl.O.Ps.

Common Prayer : Criminal Original Petitions filed under Section 483 of BNSS, pleaded to enlarge the petitioners on bail, in connection with the Crime No.369 of 2024, pending investigation on the file of the respondent Police.

In both Crl.O.Ps.,

For Petitioners : Mr.R.Subramanian

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

COMMON ORDER

Petition seeking bail in respect of Crime No.369 of 2024 registered for the offences punishable under Section 108 of BNS is on board for consideration.



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2. The incarceration of the petitioners/A2 & A3 being from 08.11.2024 pleading innocence on the part of the petitioners and false implication in the case, the learned counsel for the petitioners seeks indulgence of this Court. He also submits that the victim/deceased is a mentally deranged person and he had committed suicide due to various other reasons and the petitioners have not abetted the victim to commit suicide and even as per prosecution, no suicide note has been left by the victim and the petitioners are no way connected with the alleged offence. He further submits that the co-accused/A5 in this case has been enlarged on bail by this Court in CrI.O.P.No.29312 of 2024 dated 22.11.2024. He also submits that the petitioners are ready to abide by any stringent condition that may be imposed by this court.

3. The case of the prosecution as put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the victim/deceased, who is an immigrant worker, was working as a goldsmith in the first accused's workshop and the petitioners, who are respectively the wife and brother of A1, along with other accused, suspecting that the victim/deceased had committed theft of 175 grams of gold jewels from the workshop, had kept the victim in illegal detention and assaulted him, due to



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which, the victim got frustrated and committed suicide by hanging. He further submits that there is no previous case against the petitioners. and the investigation is still pending in this case.

4. Having heard the learned counsel for the petitioners/A2 and A3 and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, and taking note of the facts of the case and that the co-accused has been granted bail by this Court, this court is inclined to grant bail to the petitioners with certain conditions and accordingly, the petitioners are ordered to be released on bail on their executing separate bond each 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.I, 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 petitioners shall report before the respondent Police, everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 a.m., until further orders;



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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

27.11.2024

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To

1. The Judicial Magistrate No.I,
Coimbatore.
2. The Inspector of Police,
B2, R.S.Puram Police Station,
Coimbatore District.
3. The Superintendent,
Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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