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Crl.O.P.No.31420 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2024

CORAM

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

Crl.O.P.No.31420 of 2024

C.Raja @ Kozhi Raja

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
B2, R.S.Puram Police Station,
Coimbatore District.

(Crime No.369 of 2024).

... Respondent

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

For Petitioner : Mr.R.Subramanian

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

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 petitioner/A1 being from 08.11.2024 pleading innocence on the part of the petitioner and false implication in the case, the learned counsel for the petitioner seeks indulgence of this Court. He further submits that the co-accused in this case have already been enlarged on bail by this Court in CrI.O.P.Nos.29312, 29608, 29617 & 30075 of 2024 dated 22.11.2024, 27.11.2024 & 03.12.2024 respectively. He also submits that the victim/deceased is a mentally deranged person and he had committed suicide due to various other reasons, however, due to previous enmity, a false complaint has been given against the petitioner. He also submits that there is no material to show that the petitioner has abetted the victim to commit suicide. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court.

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 victim/deceased, who is an immigrant worker, was working as a goldsmith in the petitioner's workshop and the petitioner 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



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him, due to which, the victim got frustrated and committed suicide by hanging. He further submits that the investigation is still pending in this case.

4. Having heard the learned counsel for the petitioner/A6 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 have been granted bail by this Court, 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**, 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 petitioner 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 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.

17.12.2024

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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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