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Crl.O.P.No.1376 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.01.2025

CORAM

THE HON'BLE MR. JUSTICE G.R.SWAMINATHAN

Crl.O.P.No.1376 of 2025

Tabraze Ahamed

...Petitioner

Vs.

The State Represented by
The Inspector of Police,
Kuniyamuthur Police Station
Coimbatore.

...Respondent

PRAYER: Criminal Original Petition filed under Section 483 of the Bharathiya Nyaya Suraksha Sanhita, 2023, praying to enlarge the petitioner on bail in Crime No.433 of 2024 on the file of the Kuniyamuthur Police Station, Coimbatore.

For Petitioner : Mr.M.Baskar

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



ORDER

The petitioner is in custody since 05.12.2024. The petitioner stands accused for the offences punishable under Sections 316 and 318 of BNS, 2023 in Crime No.433 of 2024, on the file of the respondent police.

2. The case of the prosecution is that the petitioner has cheated the de facto complainant to the tune of more than Rs.67 lakhs.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent.

4. The petitioner's case is that, they had general trading transactions and it has been given a different spin. I do not want to go into the merits of the matter. The case against the petitioner appears to be based more on the documentary evidence and the continued incarceration of the petitioner is not going to serve any purpose. The respondent is directed to conclude the investigation and file final report within a period of four months from the date of receipt of a copy of this order.



5. I make it clear that this Court has not given any specific direction as to the manner in which the final report is to be filed. The only direction given is to file the final report one way or other.

6. Taking into account the over all facts and circumstances, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties each for a like sum to the satisfaction of the **learned Judicial Magistrate-No.7, Coimbatore**, and on further conditions that;

(b) **the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders;**

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall not abscond either during investigation or trial;

(e) the petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

(f) the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the



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facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(g) on breach of any of the aforesaid conditions, the 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 Trial Court itself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

With the above directions, this Criminal Original Petition is ordered.

17.01.2025

dsn



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To

- 1.The learned Judicial Magistrate No.7,
Coimbatore.
- 2.The Superintendent of Prison,
Central Prison at Puzhal, Chennai.
- 3.The Inspector of Police,
Kuniyamuthur Police Station,
Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras.



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G.R.SWAMINATHAN, J.

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