

IN THE COURT OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE,
COIMBATORE.

Present: Tmt. G. VIJAYA, B.A., M.L., PGDCFS,
PRINCIPAL DISTRICT & SESSIONS JUDGE, COIMBATORE

Wednesday, this the 05th day of February, 2025

CRIMINAL MISCELLANEOUS PETITION No.681/2025

Dinesh Kumar (Age 31 years),
S/o. Muthu.

... Petitioner / Accused No.5

/vs/

State, Rep. by
through the Inspector of Police,
Vadavalli Police Station,
Crime No.390/2024.
Offence: u/s.331(3) and 305(a) of BNS.
Through the Public Prosecutor, Coimbatore.
(The Judicial Magistrate No.6, Coimbatore.)

... Complainant

This petition filed on behalf of the petitioner to release him on bail u/s.483 of BNSS.

This petition is coming on this day for final hearing before this Court in the presence of **Tmt./Selvi. S. Sumithra**, Advocate for the petitioner / accused No.5 and **Thiru. V. Ravichandran, Public Prosecutor**, represented for State, upon perusing the petition submitted and upon hearing both side arguments, this Court pronounced the following:-

ORDER

Heard both side.

The petitioner is the accused in Crime No.390/2024 of Vadavalli Police Station, for the alleged offence u/s.331(3) and 305(a)of BNS, he has filed this petition, seeking grant of bail.

2. Previous bail petition filed by the petitioner in C.M.P.No.489/2025 was dismissed by this Court on 29-01-2025 and this is the second bail petition.

2. The learned counsel for the petitioner has submitted that the petitioner was arrested and remanded to the judicial custody on 30-12-2024. The petitioner has not committed any offence as alleged in the FIR and he is in no way connected with this case. The petitioner has been working as a Marketing Executive and Debt Recovery Officer at Quess Corp Ltd and he has no connection to this case and he was not present at the scene of the alleged incident. Although he had lent his two-wheeler to an individual and later found to be involved in the crime, the individual was merely an acquaintance who resides in the same locality and though he informed the same to the police, without proper enquiry, the respondent police arrested the petitioner. The learned counsel has further submitted that already co-accused has been enlarged on bail by the learned Judicial Magistrate No.6, Coimbatore.

3. The learned Public Prosecutor has submitted that totally 6 accused had involved in this case. **The petitioner is arrayed as A-5.** On the date of occurrence, when the defacto complainant was returning to his home, at that time, he found one person along with a bag came out from the house of the defacto complainant and the defacto complainant tried to catch him, but he escaped from that place. In this case, total gold involved is 468 grams and the respondent police recovered 268 grams only and remaining cash and gold are yet to be recovered. The learned Public Prosecutor has further submitted that **already co-accused were enlarged on bail by the learned Judicial Magistrate No.6, Coimbatore.** Investigation is still pending.

4. After considering the submissions, considering the nature of offence, having regard to the period of incarceration undergone by the petitioner, as co-accused were enlarged on bail, considering the facts and circumstances of the case, **this Court is inclined to grant bail to the petitioner subject to stringent conditions:-**

(i) The petitioner is ordered to be enlarged on bail on his executing a bond for Rs.10,000/- with two sureties for a like sum each to the satisfaction of the Judicial Magistrate No.6, Coimbatore.

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar Card or Bank Pass Book to ensure their identity.

(iii) The petitioner is directed to sign before the respondent police, daily twice i.e., daily at 10.00 a.m. and 5.00 p.m., for a period of 30 days.

(iv) The petitioner shall not abscond either during investigation or trial.

(v) The petitioner shall not tamper with evidence or witness either during investigation or trial.

(vi) 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]**.

(vii) If the accused thereafter abscond, a fresh FIR can be registered under Section 269 of BNS.

This order is dictated to steno-typist, typed by her, corrected and pronounced by me on this 05th day of February, 2025.

PRINCIPAL DISTRICT & SESSIONS JUDGE,
COIMBATORE.

CC to (sent via email):

1. The Judicial Magistrate No.6, Coimbatore.
2. The Superintendent, Central Prison, Coimbatore.
3. The Public Prosecutor, Coimbatore.
4. The Inspector of Police, Vadavalli Police Station.
5. Counsel for the petitioner / accused.