

CRL.O.P.No.17924 of 2016

S.VAIDYANATHAN, J.

The petitioner, who was arrested and remanded to judicial custody on 18.07.2016 for the alleged offences punishable under Sections 420 and 506(ii) IPC in Crime No.1397 of 2016 on the file of the respondent police, **seeks bail.**

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

3. The petitioner is arrayed as A2 in this case. The case of the prosecution is that the defacto complainant is alleged to have borrowed a sum of Rs.15,00,000/- from the petitioner and handed over the documents to A1. When the defacto asked the petitioner for return of documents, the petitioner and A1 are alleged to have threatened him.

4. Learned counsel for the petitioner submitted that the defacto complainant has borrowed money from him and the documents were handed over only to A1 in this case and that he is in custody for more than 35 days.

5. Learned Government Advocate (Crl. Side) submitted that the investigation is pending in this case and that if the petitioner is released on bail, he will tamper the witnesses and hinder investigation and hence, opposed for grant of bail to the petitioner.

6. Taking note of the allegations against the petitioner and the period of incarceration of the petitioner and since the documents are with A1, **the petitioner is ordered to be released on bail subject to the following conditions:**

S.VAIDYANATHAN,J.

VRC

(i) the petitioner shall execute a 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 Judicial Magistrate No.I, Poonamallee.

(ii) the petitioner shall appear before the Trial Court on all hearings without fail.

(iii) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

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

(v) on breach of any of the aforesaid conditions, the 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 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].

22.08.2016

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CRL.O.P.No.17924 of 2016