

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.749 of 2021

Balaji @ Vijay Balaji

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
District Crime Branch (DCB)
Coimbatore District
Crime No.24 of 2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.24 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. S.N.Arunkumar

For Respondent : Mrs.M. Prabhavathi,
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 17.12.2020 for the offences punishable under Sections 120(B) and 420 IPC, in Crime No.24 of 2020, seeks bail.

2. There are totally seven accused in this case and the petitioner is arrayed as A3. The allegation is that the de-facto complainant had entered into an agreement to purchase a medical gloves from A1 to A7 and also paid huge amount. In turn, they supplied only a part of gloves and it was found that it is not a good quality. Hence the complaint.

3. The learned counsel for the petitioner would submit that since the petitioner happens to be the friend of A1, he has been falsely implicated in this case. He would further submit that the petitioner is a mediator and he has no role in supplying the goods. He would further submit that the petitioner has been in judicial custody since 17.12.2020. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor would submit that there are totally seven accused in this case. The petitioner is the friend of A1 and he is a mediator and through him only, orders have been placed. It is alleged that the materials were found sub-standard and also part of consignment were not delivered. A1 was arrested and other remaining accused are still absconding.

5. Considering the fact that the petitioner is only a mediator and also taken into account the period of incarceration undergone by the petitioner, 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 his executing 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, Coimbatore, and on further conditions that:

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

(c) the petitioner, on his release from prison, shall appear before the respondent police daily at 10.30 a.m until further orders.

(d) the petitioner shall not commit any offences of similar nature;

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

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

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

WEB COPY

-sd/-

25/01/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH (DCB),
COIMBATORE DISTRICT.

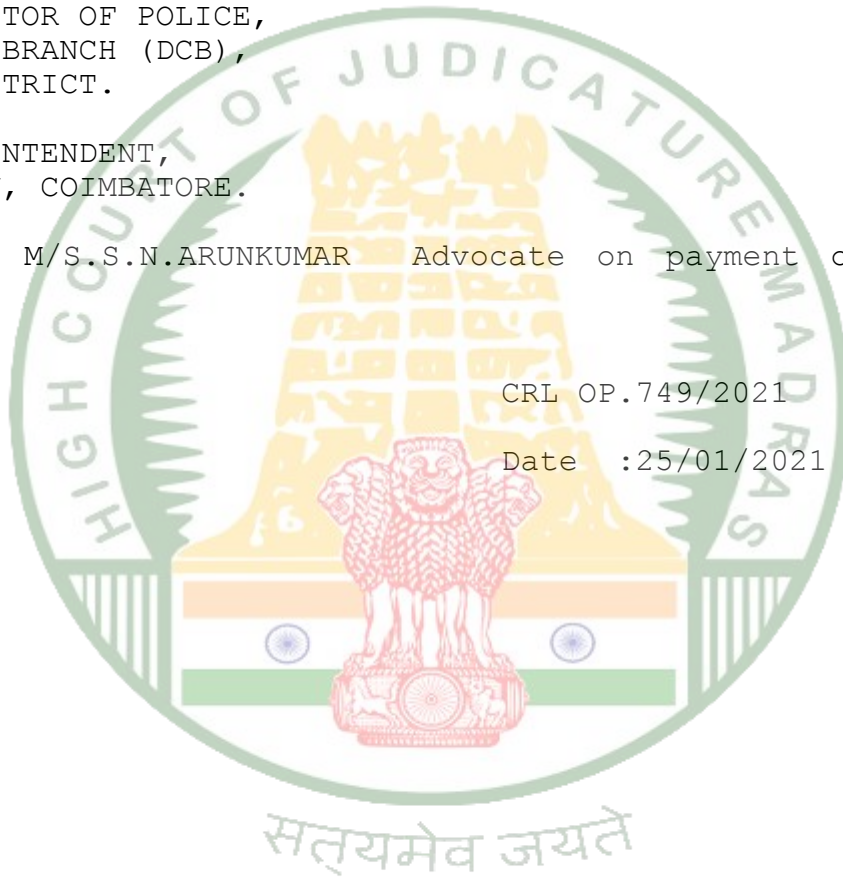
5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

CC to M/S.S.N.ARUNKUMAR Advocate on payment of necessary
charges Sr.848

CRL OP.749/2021

Date :25/01/2021

RVR 27/01/2021



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