

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.1199 of 2021

Ravikumar

... Petitioner

Vs.

State by

The Inspector of Police

Central Crime Branch Police Station,

Tiruppur, Tiruppur District.

(Crime No.22/2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail, pending investigation in Cr.No.22 of 2020 on the file of the respondent police.

For Petitioner : M/s.R.Hemalatha

For Respondent : Mr.M. Prabavathi,
APP

O R D E R

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 15.12.2020 for the offence punishable under Sections 406, 420, 467 and 477(A) IPC in Crime No.22 of 2020, seeks bail.

2. The petitioner is the sole accused in this case. The case of the prosecution is that the petitioner and the defacto complainant are partners and running a petrol bunk and the petitioner is alleged to have cheated more than a sum of Rs.22 lakhs. Hence, a case has been registered against the petitioners.

3. The learned counsel for the petitioner would submit that there is a partnership dispute between the parties. In fact, the defacto complainant cheated the petitioner for more than Rupees one Crore, for which, the petitioner has given a complaint against the defacto complainant and the respondent police deliberately closed the complaint, in turn, registered the case against the petitioner and hence, he seeks bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner and the defacto complainant are running a petrol bunk and the petitioner had cheated more than a sum of Rs.22 lakhs. Hence, she opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances of the case and the fact that there was dispute between the parties in the business transaction and also the fact that the petitioner has also given a complaint against the petitioner and also considering the period of incarceration suffered 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 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.II, Tiruppur, 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 shall report 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.

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

-sd/-

04/02/2021

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.II, TIRUPPUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH POLICE STATION,
TIRUPPUR, TIRUPPUR DISTRICT.

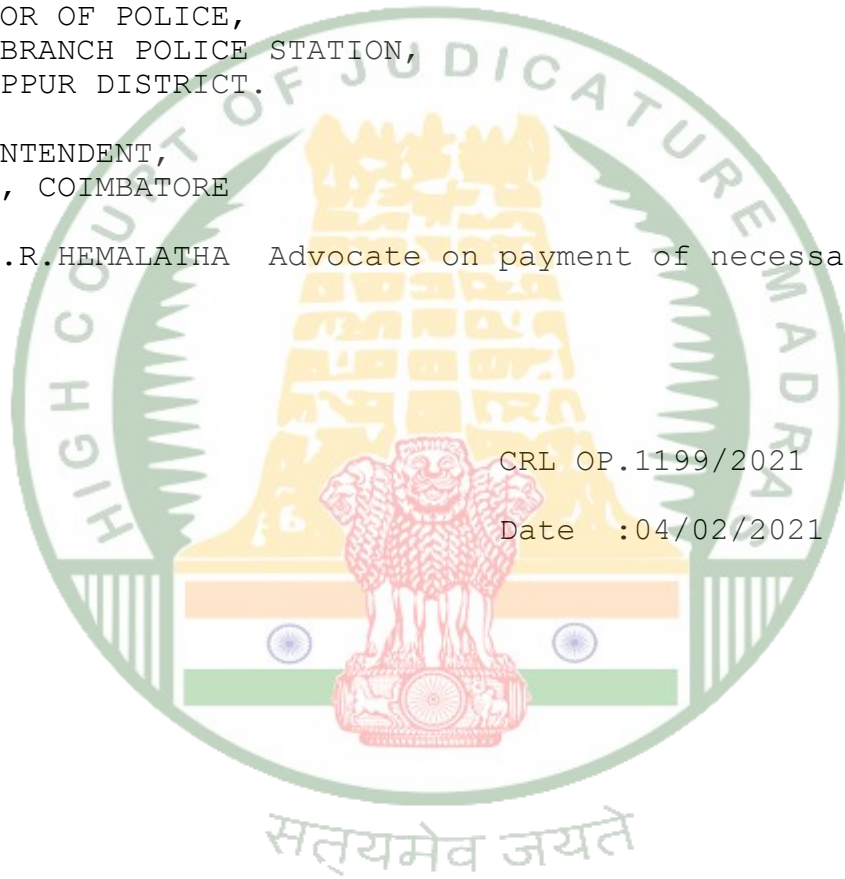
5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

CC to M/S.R.HEMALATHA Advocate on payment of necessary charges
SR.1099

CRL OP.1199/2021

Date :04/02/2021

RVR 05/02/2021



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