



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.21555 of 2021

M.Venkatesa Prabu

... Petitioner

Vs.

The State
Rep. by The Inspector of Police,
DCB, Police Station,
Coimbatore.
(Crime No. 21 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner who is presently in judicial custody in Crime No.21 of 2021 on the file of the respondent police.

For Petitioner : M/s..M.Karpagam

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 21.10.2021 for the offences under Sections 147, 148, 294(b), 323, 506(ii), 307, 406, 420, 419, 489(B), 489(C), 120(B) of IPC and 25(1A) of Arms Act, in Crime No.21 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there are eight accused in this case. The defacto complainant was doing readymade business. Thereafter, due to Covid-19 pandemic situation, no sufficient income was derived from the business. Hence, the defacto complainant informed the same to his friend in turn, he introduced his friend/A4 to the defacto complainant. A4 informed the defacto complainant that there is a Rice Fulling article and they have got Collector's Order for the same and demanded a sum of Rs.22.50 lakhs. Believing their



words, the defacto complainant gave amount to the accused persons. Thereafter, the accused persons asked the defacto complainant to come near Karpagam College to get the Rice Fulling article. Accordingly, the defacto complainant along with his friend went there. At that time, A1 to A3 came and took them to Chettipalayam and when the defacto complainant asked the accused to show the Collector's Order for the said Rice Fulling article, there arose a wordy quarrel between them. Subsequently, the accused returned a sum of Rs.5 lakhs to the defacto complainant. Later on verification, he came to know that the said notes are fake one. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. She would further submit that the petitioner is a weight lifter and has participated in the Common Wealth Games. Further, the petitioner was selected for Police Constable Physical Examination and when he was about to attend the interview, he was falsely implicated in this case and thereby, his entire carrier has been affected. Further, the petitioner's name is not found in the FIR and he has been suffering incarceration for more than 25 days from 21.10.2021. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate raised strong objection stating that only a sum Rs.26,000/- has been recovered by the respondent police. There are totally eight accused in this case and except A4 to A8, all other accused have been arrested and they are in judicial custody and that the investigation is still going on.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate and perused the call letter issued to the petitioner for appearing for police constable physical examination.

6. It is seen that the petitioner is a weight lifter and has participated in the Common Wealth Games and he has been selected for Police Constable physical examination and that the petitioner's name is not found in the FIR as stated by the counsel for the petitioner. Considering past conduct of the petitioner and the fact that the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. 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 learned Judicial Magistrate-VI, Coimbatore, and on further conditions that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of



their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police every Friday at 10.30 a.m. until further orders;

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

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

(e) 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]; and;

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

-sd/-

17/11/2021

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.6 COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
DCB, POLICE STATION,
COIMBATORE,

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

+1 CC to M/S. M.KARPAGAM
charges SR.No.12935

Advocate on payment of necessary

CRL OP.21555/2021

Date :17/11/2021

APN 17/11/2021