



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2021

CORAM:

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

CrI.O.P.No.24270 of 2021

John Peter

.. Petitioner

Vs.

State rep. by
The Inspector of Police
Tiruppur North Police Station,
Tiruppur City
(Crime No.2184 of 2021)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.2184 of 2021 on the file of the respondent police.

For Petitioner : M/s.J.Franklin

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

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 11.11.2021 for the offences under Section 420 of IPC, in Crime No.2184 of 2021, on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 08.11.2021, the defacto complainant got a call from an unknown No.6379989816 and the person who spoke to the defacto complainant stated that her application before Collector Office for free Patta has been approved and same has been allotted and asked for the originals of community certificate, income certificate and revenue certificate for which, the defacto complainant said that she was having only the xerox copies of the same. Hence, the petitioner asked the defacto complainant to give those xerox copies and he will get the originals for which, the petitioner demanded a sum of Rs.2,500/-. Subsequently, the defacto complainant met the petitioner and gave a sum of Rs.2,000/- to him. Thereafter, she came to understand that she was cheated by the petitioner. Hence, the complainant.



3. The learned counsel appearing 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 and that the petitioner has been suffering incarceration for more than 41 days from 11.11.2021. Further, on instructions, he would submit that the petitioner is ready and willing to pay a sum of Rs.10,000/- to any Charitable Institute without prejudice to his rights and contentions as may be directed by this Court and he would pray for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) raised strong objection stating that the petitioner along with other accused under the false representation that the defacto complainant has been allotted Patta, had received a sum of Rs.2,000/- from the defacto complainant and that the other accused/A1 is still absconding but admits that there is no previous case against the petitioner and the investigation is almost completed.

5. Considering the facts and circumstances of the case and the fact that there is no previous case against the petitioner and 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-I, Tiruppur and on further conditions that:

(a) the petitioner shall make non-refundable deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) through demand draft to the Registered Advocates Clerks Association, Tiruppur, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

(b) 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;

(c) the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m. until further orders.

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

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



(f) 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;

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

-sd/-

22/12/2021

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, TIRUPPUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
TIRUPPUR NORTH POLICE STATION,
TIRUPPUR CITY,

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

6 THE REGISTERED ADVOCATES
CLERKS ASSOCIATION, TIRUPPUR

CC to M/S.J.FRANKLIN Advocate on payment of necessary charges

CRL OP.24270/2021

Date :22/12/2021

RVR 23/12/2021