



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventeenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.2944 of 2022

MOHAMMED FAISAL

[PETITIONER / ACCUSED]

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
KINATHUKADAVU POLICE STATION,
COIMBATORE DISTRICT.
CRIME NO.27 OF 2022.

[RESPONDENT]

For Petitioner : M/S.K.BALASUBRAMANIAM Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 170, 171 and 420 of IPC, in Crime No.27 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused claiming themselves as Income Tax Officers, entered into the defacto complainant's home and had allegedly taken Rs.15,00,000/- from the Almirah and also took the defacto complainant's Cheque book of Bank of Baroda, Pan Card, Ration Card, Voter ID Card, Adhar Card, GST Book and some blank cheques and further they told the defacto complainant to appear before the Pollachi Income Tax Office to enquire him in this regard.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further would submit that the co-accused was already enlarged on



anticipatory bail by this Court in Crl.OP.No.1447 of 2022 dated 25.01.2022. However, the learned counsel, on instructions, would further submit that the petitioner, without prejudice to his rights, on his own volition, is ready to deposit the amount of Rs.2,00,000/- (Rupees Two Lakhs Only) to the credit of the crime number. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) vehemently opposed for grant of anticipatory bail to the petitioner stating that that the petitioner along with other accused had cheated the defacto complainant to the tune of Rs.15 lakhs along with other documents under the guise of fake IT ride and he further submitted that the investigation almost completed and only Rs.6 lakhs were recovered.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, No.I, Pollachi, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only), with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) to the credit of Crime No.27 of 2022 within a period of fifteen (15) days from the date of receipt of a copy of this order, before the Learned Judicial Magistrate No.I, Pollachi. On such deposit being made, the learned Magistrate, shall obtain an affidavit of undertaking from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.2,00,000/- deposited by the petitioner to the credit of Crime No.27 of 2022 will be returned to the petitioner and after obtaining such affidavit of undertaking from the defacto complainant, shall disburse the said amount to the defacto complainant within a period of two weeks thereafter, failing which, the anticipatory bail petition shall stands dismissed.

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 Tuesday 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/-
17/02/2022

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, POLLACHI.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
KINATHUKADAVU POLICE STATION,
COIMBATORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.K.BALASUBRAMANIAM Advocate on payment of necessary charges SR.NO.2639

CRL OP.2944/2022

Date :17/02/2022

JPA 22/02/2022