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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

CrI.O.P.No.13185 of 2022

S.Manikandan

Petitioner

Vs...

State represented by
Inspector of Police,
C-4, Rathinapuri Police Station
Coimbatore District.

Respondent

Prayer:- Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.711 of 2019 pending investigation before the respondent Police station.

For Appellant : Mr.C.Mohanraj
For Respondent : Mr.V.Meganathan
Government Advocate
(CrI. Side)

ORDER

The petitioner was arrested and remanded to judicial custody on 14.04.2022 for the alleged offence punishable under Sections 171, 392, of IPC @ Sections 171, 120(B) and 395 IPC in Crime No.711 of 2019 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 17.07.2019, the defacto-complainant's car was intercepted by the petitioner along with other accused stating that they were from Vigilance Department and taken away a sum of Rs.13,00,000/- from the defacto-complainant, which had brought to buy gold in Coimbatore. Hence the complaint.

3. Learned counsel for the petitioner would submit that the petitioner is a driver. Even though, his name is not mentioned in the FIR, he has been falsely implicated in this case and thereby, the petitioner is suffering incarceration from 14.04.2022. He would also submit that the co-accused in this case A1 to A5 and A8 & A9 were released on bail. Hence he prays for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that the petitioner along with other accused had cheated the defacto-complainant pretending as they were from Vigilance Department and taken away a sum of Rs.13,00,000/- from the defacto-complainant. He would further submit that A1 to A5 and A8 & A9 were released on bail. A10 is alone still absconding in this case. In the interrogation, 16 witnesses have been examined so far. Even though a sum of Rs.8,40,000/- were recovered from the accused, the remaining amount is yet to be recovered. Hence, he raised objection for granting bail to the petitioner.

5. Considering the facts and circumstances of the case, the petitioner is only the driver and he is in the custody of Judicial Magistrate for the past 64 days and further other accused were released on bail in this case, this Court is inclined to grant anticipatory 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.25,000/- (Rupees Twenty Five Thousand Only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Coimbatore, and on further condition that:

[a] the petitioner and 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 is directed to report before the respondent police on every Wednesday at 10.30 a.m., for a period of four weeks and thereafter as and required for interrogation;

[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];



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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17/06/2022

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.II, COIMBATORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 INSPECTOR OF POLICE
C-4, RATHINAPURI POLICE STATION,
COIMBATORE DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.C.MOHANRAJ Advocate on payment of necessary charges
SR.NO. 9410

CRL OP.13185/2022

Date :17/06/2022

RW-20/06/2022