



Crl.O.P.No.16426 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.16426 of 2022

R.Balakrishnan

...Petitioner

Vs.

State rep. by
The Inspector of Police,
CB CID,
OCU- Coimbatore.
Crime No.2 of 2021

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.2 of 2021 on the file
of the respondent police.

For Petitioner : Mr.A.Sriram

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.05.2022 for the offences punishable under Sections 120-B, 465, 467, 471, 420 and 511 of IPC in crime No.2 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, the petitioner along with other accused allegedly fabricated the cheque for the value of Rs.6,00,00,000/- and presented the same in the name of "Thirumangai Charitable Trust" and attempted to encash the same. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that co-accused were released on default bail. That apart, the petitioner has been suffering incarceration from 26.05.2022. Therefore, he prays to grant anticipatory bail to the petitioner.



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4. The learned Additional Public Prosecutor would submit that the specific overt act against the petitioner is that the petitioner has collected details from the bank and assisted other accused to commit the offence. However, he opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case and also the period of incarceration undergone by the petitioner from the date of arrest ie., from 26.05.2022, this Court is inclined to grant bail to the petitioner.

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 blood related sureties**, each for a like sum to the satisfaction of the learned **Chief Judicial Magistrate, Coimbatore** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb



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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 twice daily at 10.30 a.m., and 04.30.p.m., for a period of four weeks and thereafter as and when required for interrogation;

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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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1. Chief Judicial Magistrate, Coimbatore

2. The Inspector of Police,
CB CID,
OCU- Coimbatore.

3. Central Prison,
Coimbatore.

4. The Public Prosecutor,
High Court of Madras

G.K.ILANTHIRAIYAN, J.



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