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Crl.OP.No.17953 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2022

CORAM

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

Crl.OP.No.17953 of 2022

S.Vivek

...Petitioner

Vs.

State rep by its
Inspector of Police,
All Women Police Station West,
Coimbatore.

In Crime No.24 of 2022.

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to release the petitioner / accused on bail in Crime No.24 of 2022
on the file of the respondent / complainant.

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

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 09.07.2022 for the offences punishable under Sections 406,
420, 495 and 498(A) of IPC in crime No.24 of 2022 on the file of the



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respondent police, seeks bail.

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2. It is the case of the prosecution that the petitioner had suppressed the previous marriage to the *de-facto* complainant and married her. Further, along with other accused persons, he had cheated a sum of Rs.8,00,000/- and also pledged her jewels in the bank. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that a false case has been foisted against the petitioner. He would also submit that the petitioner was arrested and remanded to judicial custody on 09.07.2022. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner suppressed his first marriage to the *de-facto* complainant and married her. Further, he had received 17 sovereigns of gold jewels and pledged the same with the bank. Hence, he vehemently opposed to grant bail to the petitioner.



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5. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of his arrest i.e. 09.07.2022, this Court is inclined to grant bail to the petitioner. 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, Additional Mahila, 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 daily at 10.30 a.m., for a period of two 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



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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.

02.08.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate,
Additional Mahila, Coimbatore.
- 2.The Inspector of Police,
All Women Police Station West,
Coimbatore.
- 3.Coimbatore Central Prison.
- 4.The Public Prosecutor,
High Court of Madras

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