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Crl.O.P.No.21842 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2022

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.OP.No.21842 of 2022

Naveen R

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
CCB Police Station,
Coimbatore District.

(Crime No.24/2020).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in connection
with the Crime No.24 of 2020 on the file of the respondent Police.

For Petitioner : Mr.D.Bharathy

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested on 03.08.2022 and remanded to judicial custody on 04.08.2022 for the offences punishable under Sections 406, 420 & 120B of IPC, in Crime No.24 of 2020 on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the de-facto complainant is that the petitioner in the guise of inducting the de-facto complainant as a share holder in the Trust had received a sum of Rs.1,90,00,000/- on various occasions to construct a Annai Theresa Medical College and Hospital and cheated the de-facto complainant. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he would further submit that a case of financial dispute between the parties have been falsely projected as a case of criminal breach of trust and cheating. He would also submit that the entire case is borne out by documents and the petitioner was arrested on 03.08.2022. The learned counsel would further submit that the respondent



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have taken custody of the petitioner on 12.08.2022 and the major part of the investigation is over. He would also submit that after arrest, the petitioner has been assaulted in the police station and it has also been noted by the learned Magistrate. He would reiterate that the entire case of prosecution is borne out by documents and hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner in the guise of inducting the de-facto complainant as a partner in the Annai Theresa Medical College and Hospital has taken a sum of Rs.1,90,00,000/- on various dates and cheated him. He would further submit that there are several complaints against the petitioner from several persons. Hence, he opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record including the documents annexed with the bail application.



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6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, this Court is inclined to grant bail to the petitioner.

7. 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**, for a like sum to the satisfaction of the **learned Judicial Magistrate No.7, 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, every day at 10.30 a.m., until further orders;

[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;



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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

13.09.2022

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To

1. The Judicial Magistrate No.7,
Coimbatore.
2. The Inspector of Police,
CCB Police Station,
Coimbatore District.
3. The Central Jail,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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