



Crl.O.P.No.21975 of 2022

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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.O.P.No.21975 of 2022

D.Balaji

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Ukkadam Police Station,
Coimbatore - 641 001.

(Crime No.155/2022).

... 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.155 of 2022 on the file of the respondent Police.

For Petitioner : Mr.J.Prakasam

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.08.2022 for the offences punishable under Sections 420 of IPC, in Crime No.155 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the de-facto complainant availed loan from the petitioner and the first accused to the tune of Rs.1,00,000/- by mortgaging his car. Even after the repayment of the loan amount, the accused refused return the car. 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 the de-facto complainant had mortgaged the car with other creditors before mortgaging it with the petitioner and his brother (A1) and also the de-facto complainant had never returned the loan amount and in fact, the car has been taken over by other mortgagor. Therefore, the petitioner has nothing to do with the alleged offence. He would also submit that the co-accused in this



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case has already been granted with the anticipatory bail by this Court in Crl.O.P.No. 20622 of 2022 vide order dated 30.08.2022 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 is arrayed as A2 in this case. He would further submit that the de-facto complainant has availed a loan to the tune of Rs.1,00,000/- from the petitioner and the other accused. Thereafter, the accused refused to return the car, even after the de-facto complainant settled his loan amount. 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.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the co-accused in this case has been granted with anticipatory bail, this Court is inclined to grant bail to the petitioner.



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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.V, 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;

[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



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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.V,
Coimbatore.
2. The Inspector of Police,
Ukkadam Police Station,
Coimbatore - 641 001.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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