



Crl.O.P.No.23135 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2022

CORAM

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

Crl.O.P.No.23135 of 2022

Raja @ Koli Raja

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Ukkadam Police Station,
Coimbatore.
Crime No.155 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.155 of 2022 on the file
of the Inspector of Police, Ukkadam Police Station, Coimbatore District.

For Petitioner : Mr.C.D.Sugumar

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

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 31.08.2022 for the offences punishable under Section 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 defacto complainant availed loan from the petitioner to the tune of Rs.1,38,000/- by mortgaging his car. Thereafter, the defacto complainant had paid the entire amount and had asked for return of the car and the first accused refused to return the car. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is arrayed as A4 in this case and he has been arrested on 31.08.2022. He would also submit that there is no specific overt act as against the petitioner as if the petitioner induced the defacto complainant. He would further submit that the main accused in this case has been granted anticipatory bail by this Court in Crl.O.P.No.20622 of 2022 dated 30.08.2022. Therefore, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner along with the other accused have paid an amount of Rs.1,38,000/- and taken the car belonging to the defacto complainant and later, when the defacto complainant had returned the money and asked for the car, they refused to return the same and cheated the defacto complainant. He would further submit that the main accused in this case has been granted anticipatory bail by this Court in Crl.O.P.No.20622 of 2022 dated 30.08.2022. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record.

6. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and also the period of incarceration suffered by the petitioner and also considering the fact that the main accused in this case has been granted anticipatory bail by this Court in Crl.O.P.No.20622 of 2022 dated 30.08.2022, 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.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.5, 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



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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.

23.09.2022

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To

1. The Judicial Magistrate No.5, Coimbatore.
2. The Inspector of Police,
Ukkadam Police Station,
Coimbatore.
3. The Superintendent,
Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA., J.

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