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Crl.O.P.No.27086 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2022

CORAM

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

Crl.O.P.No.27086 of 2022

Jayasundar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
R.S.Puram Police Station,
Coimbatore.

(Crime No.405/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.405
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Lakshmi Narasimhan
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 08.10.2022, for the offences punishable under Sections 468 & 471 IPC in Crime No.405 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant/B.N.Malarvizhi, is that the petitioner, who was a retired employee of State Bank of India, is running a finance company and based on his inducement, the de-facto complainant has deposited a sum of Rs.4,50,000/- and he had in turn issued a receipt in the name of Universal Society to the de-facto complainant, wherein, the date of maturity and the rate of interest were also mentioned. Later, it was found that the receipt issued by the petitioner is a fabricated one and when the de-facto complainant asked for return of money, the petitioner has refused to return the same. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that a case of financial dispute has been projected as a case of cheating. He



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would also submit that the petitioner is in custody from 08.10.2022. He would further submit that the petitioner without prejudice to his defence is ready to deposit Rs.2 lakhs to the credit of crime number to show his bonafide and he has no objection in the amount being disbursed in favour of the de-facto complainant. Hence, he prays for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner by inducing the de-facto complainant made him to deposit Rs.4,50,000/- and by issuing a fabricated receipt, cheated her to the tune of the said amount. Hence, he oppose for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the period of incarceration undergone by the petitioner and also taking note of the fact that the petitioner without prejudice to his defence, he is



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ready to deposit a sum of Rs.2,00,000/- to the credit of crime number, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on condition that he makes a deposit of **Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of the Crime Number**, without prejudice to his rights and contentions before the Court concerned and on such deposit, 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**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, 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, everyday at 10.30 a.m., for a period of three weeks and thereafter, every Saturday at 10.30a.m., until further orders;

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



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

09.11.2022

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To

1. The Judicial Magistrate No.I,
Coimbatore.
2. The Inspector of Police,
R.S.Puram Police Station,
Coimbatore.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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