



CrI.O.P.No. 30186 of 2022

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.30186 of 2022

1. Mohanraj,
S/o. Palaniappan

2. Kalimuthu,
S/o. Sakthivelpandi

3. Vijayakumar,
S/o.Sundarrajan

.. Petitioners

Vs.

State represented by
The Inspector of Police,
Periyanaickenpalayam Police Station,
Coimbatore.
(Crime No.743 of 2022)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.743 of 2022 on the file of respondent police.



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For Petitioner : Mr.L.Mouli
For Respondent : Mr.S.Vinoth Kumar
Govt. Advocate (CrI. Side)
For Intervenor : Mr. M.N. Balakrishnan

ORDER

The petitioners, who were arrested and remanded to judicial custody on 08.10.2022 for the alleged offence under Sections 294(b), 506(ii) and 420 I.P.C. in Crime No.743 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the 1st petitioner claiming to be he is working in a company called Pacific Media and Cable at Coimbatore, which was run by one Sadagopal and induced the defacto complainant that if he give a sum of Rs.5 lakhs to him, he will return double the amount of Rs.10 lakhs. Believing his words, the 1st petitioner transferred the amount from his account to him and subsequently he transferred more than crores of rupees, but they did not return the amount inspite of several demands. When the defacto complainant went to his office and demanded repayment,



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they abused the defacto complainant with filthy language and also threatened them with dire consequence. Hence, the complaint.

3. The learned counsel for the petitioners submitted that due to loss in the business, they unable to repay the principal and interest to him and they have not at all committed any offence as alleged by the respondent police and they are no way connected with the offence. He would submit that they have been falsely implicated in this case for statistical purpose. He would further submit that the investigation is almost completed and that the petitioners have been suffering incarceration for more than 59 days from 08.10.2022. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that there is no previous case pending against the petitioners. He would also submit that if they are released on bail, they will tamper the witnesses and hamper the investigation. Hence, he vehemently opposed to grant bail to the petitioners.



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5. Today, when the matter taken up for hearing, the defacto complainant is present along with his counsel and they represented that as per the compromise arrived between the parties, he has no objection in granting bail to the petitioners.

6. Considering the submissions of defacto complainant and also considering the fact that the investigation is almost completed, and considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions and the presence of defacto complainant is recorded.

7. Accordingly, the petitioners are ordered to be released on bail on executing their separate bonds 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::



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(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 petitioners shall appear before the respondent police on every Wednesday at 10.30 a.m. for the period of three months.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]*; and;



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(f) if the accused thereafter absconds, a fresh FIR
can be registered under Section 229-A IPC.

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To

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



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