



Crl.O.P.No.5549 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2023

CORAM

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

Crl.O.P.No.5549 of 2023

Balachandran

... Petitioner

Vs.

1. The State represented by,
The Inspector of Police,
C-1, Kattur Police Station,
Coimbatore District.

2. The State represented by,
The Inspector of Police,
CCB,
Coimbatore.

(R2 impleaded as per the order dated 16.03.2023
in Crl.M.P.No.3891 of 2023 in Crl.O.P.No.5549 of 2023

(Crime No.59 of 2023).

... Respondents

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.59 of 2023, pending investigation on the file of the respondent
Police.



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For Petitioner : Mr.M.N.Balakrishnan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.02.2023, for the offences punishable under Sections 406 & 420 of IPC, in Crime No.59 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused have induced the de-facto complainant and others with fancy schemes and made them to invest with the assurance that they will get good returns and their investment are safe. Believing their sugar coated words, the de-facto complainant and other victims have invested the amount with A1 Company named SKM Traders, in which the de-facto complainant alone has invested a sum of Rs.3,00,000/- on various dates and received separate promissory note for the same and post dated cheques, whereas, the accused failed to repay the same as assured and got absconded. Hence the case.



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3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that a case of financial dispute has been projected as a case of cheating. He further submitted that ever as per the complainant, the *de-facto* complainant has stated that he has invested a sum of Rs.3,00,000/- in the company of the petitioner and the petitioner had executed a promissory note and post dated cheques in favour of him, while this being so, a false complaint has been given, as if the petitioner got absconded. He also submitted that the petitioner was in custody from 09.02.2023 and he is prepared to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondents submitted that the petitioner along with other accused have induced the de-facto complainant and others, under the guise of giving huge return, received money and cheated them. He further submitted that two previous cases are pending as against the petitioner. Hence, he vehemently opposed for grant of bail to the petitioner.



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5. In reply, the learned counsel for the petitioner submitted that in respect of the previous cases, one case is registered for violating the provisions under GST Act and another case is registered for the offence under Section 506(ii) of IPC. Hence, he prayed for grant of bail.

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

7. Taking into consideration the facts and circumstances of the case, the submissions made by either side of the parties and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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**, for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, 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 petitioner shall report before the second respondent, everyday 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 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.

20.03.2023

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To

1. The Judicial Magistrate No.II,
Coimbatore.
2. The Inspector of Police,
C-1, Kattur Police Station,
Coimbatore District.
3. The Inspector of Police,
CCB,
Coimbatore.
4. The Central Prison,
Coimbatore.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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