



Crl.O.P.No.6523 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2023

CORAM

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

Crl.O.P.No.6523 of 2023

P.Mahalingam

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
C-4, Rathinapuri Police Station,
Coimbatore.

(Crime No.711 of 2019).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.711 of 2019, pending on the file of respondent Police.

For Petitioner : Mr.Ponkupraj

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 25.02.2023 for the offences punishable under Sections 171 and 395 of IPC @ Sections 171, 120B, 395 of IPC in Crime No.711 of 2019, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the defacto complainant Noushad is that he had come to Coimbatore for purchasing jewels, the accused on coming to know about the same, by posing themselves as Vigilance Officers, have abducted him and robbed an amount of Rs.13 lakhs from him. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given against him. He would further submit that the defacto complainant owes money to the petitioner and other person and he had come to Coimbatore, under the guise of handing over the money to them, whereas, he has given a false complaint, as if the petitioner has robbed the money from him. He would further submit that even as per the prosecution, out of Rs.13 lakhs, major part



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of the amount has been recovered. He would also submit that the petitioner is in judicial custody from 25.02.2023 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 there are totally 10 accused in this case and the petitioner is arrayed as A10. The accused, on coming to know that the defacto complainant was having money, have posed themselves as Vigilance Officers, have abducted him to a secluded place and robbed a sum of Rs.13 lakhs. He would further submit that a sum of Rs.12,70,000/- has been recovered. He would also submit that there is no previous case pending against the petitioner. However, he opposed for grant of 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 of the case and the submissions made by the either side and also considering the period of



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incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

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.II, 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., 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



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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.

23.03.2023

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To

1. The Judicial Magistrate No.II,
Coimbatore.
2. The Inspector of Police,
C-4, Rathinapuri 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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