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Crl.O.P.No.7323 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2023

CORAM

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

Crl.O.P.No.7323 of 2023

Arun

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Sulur Police Station,
Coimbatore District.

(Crime No.91 of 2023).

... 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.91 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.M.Prakash Raj

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



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ORDER

(This case has been heard through Video Conferencing)

The petitioner, who was arrested and remanded to Judicial custody on 01.03.2023, for the offence punishable under Sections 394 of IPC @ Section 395 r/w 397 of IPC in connection with Crime No.91 of 2023, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant, Rajkumar, is that his brother-in-law, who is running a trading business in the name of Universal Trading Solutions and that since he was unable to repay the money to the investors, he was arrested during the year 2020 and after coming out on bail, he got absconded. While so, the investor in the company of the de-facto complainant's brother-in-law, had threatened the de-facto complainant and on 13.02.2023, when he was at home around 9.00 p.m., some unknown persons had trespassed into his house and by attacking the de-facto complainant and his family members, have taken away the 10 sovereigns of gold jewels and mobile phones from his home. 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 the brother-in-law of the de-facto complainant had cheated the petitioner and others, to the tune of Rs.8 Crores, which was invested in his Company and since, the investors have demanded the deposited amount from the de-facto complainant, he has given a false complaint, as if the petitioner along with other has trespassed into his house and robbed the gold jewels and mobile phones. He further submitted that the co-accused in this case have already been granted bail by this Court in Crl.O.P.No.7058 of 2023 dated 29.03.2023 and also submitted that the petitioner is in custody from 01.03.2023, hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that due to the previous dispute with regard to the money transaction between the brother-in-law of the *de-facto* complainant and the investors in the Universal Trading Solutions, the petitioner along with other investors, had trespassed into the *de-facto* complainant's house and by threatening the *de-facto* complainant and his



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family members, had robbed 10 sovereigns of gold jewels from family members of the de-facto complainant and the mobile phones from his home. He also submitted that the mobile phones have been recovered and the jewels has not been recovered so far. He further submitted that one previous case is pending as against this petitioner. Hence, 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 entire materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain condition.

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**



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Judicial Magistrate, Sulur, 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. and 5.30p.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.

10.04.2023

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To

1. The Judicial Magistrate,
Sulur.
2. The Inspector of Police,
Sulur Police Station,
Coimbatore District.
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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