



Crl.O.P.No.8851 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2023

CORAM

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

Crl.O.P.No.8851 of 2023

Rajesh @Kailai Vasan

... Petitioner

Vs.

State, represented by  
The Inspector of Police,  
C-2, Race Course (Crime) Police Station,  
Coimbatore District.  
(Crime No.122 of 2023)

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleased to enlarge the petitioner on bail in Crime No.122 of 2023 pending  
investigation on the file of the respondent police.

For Petitioner : Mr.P.Chandrasekar

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

**ORDER**

The petitioner, who was arrested and remanded to judicial custody  
on 14.03.2023, for the offence punishable under Section 420 IPC in Crime  
No.122 of 2023 on the file of the respondent police, seeks bail.



2. The case of the prosecution as per the defacto complainant

Mohammed Hanfa is that petitioner along with other accused under the guise of doubling the money, attempted to cheat the defacto complainant. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case on account of financial dispute between the petitioner and the defacto complainant. He further submitted that the petitioner has got no bad antecedents and the major part of investigation is over and that the petitioner has been in Judicial Custody from 14.03.2023. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent vehemently opposed to grant bail to the petitioner stating that the petitioner along with other accused approached the defacto complainant and under the guise of doubling the money, attempted to cheat the defacto complainant.



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

6. Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioner, this Court is inclined to grant of 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 Tens Thousand Only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.III, 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. until further orders;**



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[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.

**24.04.2023**

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To

1. The Judicial Magistrate No.III,  
Coimbatore.
2. The Inspector of Police,  
C-2, Race Course (Crime) Police Station,  
Coimbatore District.
3. The Superintendent,  
Central Prison, Coimbatore.
4. The Public Prosecutor,  
High Court of Madras.



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**A.D.JAGADISH CHANDIRA,J.,**

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