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CrI.O.P.No.10937 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.05.2023

CORAM

THE HON'BLE MR. JUSTICE **SUNDER MOHAN**

CrI.O.P.No.10937 of 2023

Riyazudeen

Petitioner/Accused-7

Vs.

State Rep by
The Inspector of Police,
District Crime Branch,
Coimbatore.
(Crime No.1 of 2019)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.1 of 2019 on the file of
the respondent police.

For Petitioner : Mr.C.D.Sugumar

For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 28.03.2023, for the offences punishable under Sections 406, 420, 379 and
120(b) of IPC in Crime No.1 of 2019 on the file of the respondent police,
seeks bail.



2. The case of the prosecution is that A1 was running a travel agency namely “VGM Tours and Travels” and the *de facto* complainant and her husband approached A1 for leasing a Car and a rental agreement was entered into between them. A1 had breached the contract and did not pay the installment and rent as agreed. When the *de facto* complainant and her husband requested for payment, the A1 had threatened him with dire consequences. Hence the complaint. In this case the petitioner is arrayed as A7.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is in judicial custody from 28.03.2023. He also submitted that the co-accused in this case have been granted bail by the trial Court. Hence, he prayed for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police would vehemently oppose to grant bail to the petitioner stating that the petitioner along with other co-accused had cheated the *de facto* complainant by not repaying the installment and rent as agreed.



5. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police.

6. Considering the facts and circumstances of the case and considering the fact that the co-accused in this case have been granted bail by the trial Court and the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner on the following conditions;

[a] 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.1, Coimbatore District.**

[b] 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;

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;



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[f] 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]***;

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

11.05.2023

bkn/ssr

To

1. The Judicial Magistrate No.1, Coimbatore District.
2. The Inspector of Police,
District Crime Branch,
Coimbatore.
3. The Superintendent of Prison,
Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN,J.,

bkn/ssr

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