

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.05.2023

CORAM

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

Crl.O.P.No.10796 of 2023

V.Yasothadevi .. . Petitioner/Accused

Vs.

State Rep by
The Inspector of Police,
City Crime Branch,
Coimbatore City.
(Crime No.7 of 2023)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in Crime No.7
of 2023 on the file of the respondent.

For Petitioner : Ms.A.Hashika

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 23.03.2023, for the offences punishable under Sections 406 and 420 of
IPC in Crime No.7 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused was running a travel agency namely “Anu Adithya Transport Pvt. Ltd.” and when the *de facto* complainant approached the petitioner for leasing the vehicle, a rental agreement was entered into between them. While so, the accused had breached the contract and did not pay the rent as agreed. When the *de facto* complainant requested for payment, the accused had threatened him with dire consequences. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case and she has not committed any offence as alleged by the prosecution. She further submitted that the petitioner is in judicial custody from 23.03.2023. Hence, she 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 had cheated the *de facto* complainant by not repaying the payment as agreed. He further submitted that the petitioner had also cheated many people like this.

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

6. Considering the above facts and circumstances of the case, the submissions made by the learned counsel on either side and the period of incarceration, 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 -VII, Coimbatore.**

[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;

[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 -VII, Coimbatore.
2. The Inspector of Police,
City Crime Branch,
Coimbatore City.
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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