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Crl.O.P.No. 19899 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.19899 of 2023

Kaalairajan

... Petitioner

Vs.

The State rep. by:-

The Inspector of Police,
Variety Hall Police Station,
Coimbatore city.

(Crime No.153 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners / Accused on bail pending investigation in
Crime No.153 of 2023 on the file of the respondent.

For Petitioners : Mr.K.Balasubramaniam

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Crl.Side)

ORDER

The petitioner/A5 who was arrested and remanded to judicial custody on 03.08.2023 registered by the respondent Police for the offences under Sections 406 and 420 of IPC, in Crime No.153 of 2023, seeks bail.



CrI.O.P.No. 19899 of 2023

WEB COPY

2.It is stated that A1 had placed an order of 4000 kgs of Pepper with the defacto complainant/ Bhuvaneshwari. It is stated that though the pepper had been supplied, the accused has not paid the amount. It is also stated that the owner of the consignee/ purchaser is A2 who is still absconding.

3.Sofar as the petitioner/A5 is concerned, he has only given his GST number.

4.Taking these factors into consideration that the petitioner had not purchased the pepper but was only an instrument used by the other accused for their purposes, this Court is inclined to grant bail to the petitioner with certain conditions.

5.Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 V, 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.



CrI.O.P.No. 19899 of 2023

[b] the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.153 of 2023 before the Judicial Magistrate No.V, Coimbatore within a period of two weeks from the date of receipt of a copy of this order. The amount is kept to a minimum only because A2 is actual purchaser and still absconding. The learned Judicial Magistrate No.V, Coimbatore, may deposit the said amount in any fixed deposit earning interest and on conclusion of the trial, pass appropriate order.

[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., till A2 is secured;

[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].



WEB COPY



CrI.O.P.No. 19899 of 2023

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

21.11.2023

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To

1. The Judicial Magistrate No.V, Coimbatore.
2. The Central Prison, Coimbatore.
3. The Inspector of Police,
Variety Hall Police Station,
Coimbatore city.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



CrI.O.P.No. 19899 of 2023

C.V.KARTHIKEYAN, J.

vkr

CrI.O.P.No.19899 of 2023

21.11.2023

(2/2)