



CrI.OP.No.21020 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

CrI.O.P.No.21020 of 2023

N.Sherif Nagoor Meeran

...Petitioner

Vs.

The State Rep by
Inspector of Police
District Crime Branch Police station
Coimbatore
(Crime No.5 of 2019)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.5 of 2019 on the file of the Inspector of Police, District Crime Branch Police Station, Coimbatore District.

For Petitioner : Mr.R.Chandrasekaran

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor.

For Intervenor : Mr.L.Mouli



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.06.2023 for the offences punishable under Sections 406 and 420 of IPC in Crime No.5 of 2019 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, in a civil dispute with regard to business transaction, a criminal complaint has been given by the defacto complainant. However, to show the bonafide of the petitioner, petitioner's father has filed an undertaking affidavit to deposit a sum of Rs.13,42,122.5 towards 50% of the amount said to be the due by the petitioner to the defacto complainant.

3. The learned counsel for the defacto complainant/Intervenor submitted that, defacto complainant may be permitted to withdraw the amount, if it is deposited in the trial Court. He also pressed for depositing the passport of the petitioner in the trial Court.



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4. The learned Additional Public Prosecutor opposed the petition on the ground that, petitioner has similar previous case pending against him. Infact, Government of Qatar had sent a communication to Director General of Police, Tamil Nadu to investigate the complaint given by one Karthick Kulanthai Velan.

5. Considered the rival submissions and perused the records. The FIR allegations in brief show that, defacto complainant supplied Urid Dal, Toor Dal and Black Chick Peas worth Rs. 16,99,700/- on 23.08.2018 and Urid Dal worth Rs.16,77,540/- on 15.11.2018, based on the order of the petitioner. Petitioner has paid only a sum of Rs. 4,51,680/- on 03.08.2018 and a sum of Rs.2,00,600.32 on 30.10.2018 and still he has to pay Rs.33,36,525/- to the defacto complainant. Despite repeated requests, petitioner has not paid the balance amount of Rs.33,36,525/-.



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6. It appears that the dispute between the parties is with regard to business transaction. However, from the submission of the learned Additional Public Prosecutor that, petitioner has involved in committing similar offence and the Government of Qatar had sent a communication to Director General of Police, Tamil Nadu to take action against the petitioner based on the complaint given by one Karthick Kulanthai Velan. Thus, prima facie, it appears that, the intention to cheat on the part of the petitioner present from the inception of entering contract with the defacto complainant. However, considering the undertaking affidavit filed by the father of the petitioner that the petitioner is willing to deposit a sum of Rs.13,42,122.5 to the credit of this case and having regard to the duration of custody of the petitioner ie from 30.06.2023 and that material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on their executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five Thousand only) with **two sureties**, each for a like sum to the satisfaction



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of the **Learned Judicial Magistrate, Sulur, Coimbatore district** 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 without prejudice to his defence shall deposit a sum of Rs.13,42,122.5 to the credit of the Crime No.5 of 2019 before the learned Judicial Magistrate, Sulur, Coimbatore District. On such deposit, learned Judge is directed to disburse the amount to the defaco complainant on filing of appropriate petition and on proper identification and acknowledgment; Payment of this amount will not amount to admission of guilt of the petitioner.

[c] the petitioner shall deposit his passport before the trial Court

[d] the petitioner shall report before the respondent police daily at 10.00.a.m., until further orders.



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[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] 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].

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

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To

1. Judicial Magistrate, Sulur, Coimbatore District

2. Inspector of Police
District Crime Branch Police station,
Coimbatore.

3. Central Prison,
Coimbatore.

4. The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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