



Crl.O.P.No.26231 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2023

CORAM

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

Crl.O.P.No.26231 of 2023

Harichandran S/o. Palanisamy

... Petitioner/ accused-4

Vs.

The State rep by
The Inspector of Police,
City Crime Branch,
Coimbatore.

(Crime No.59 of 2023)

...Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the Petitioner on bail in Crime No.59 of 2023 pending
investigation on the file of the respondent police.

For Petitioner : Mr.Nagendra Prasath

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



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ORDER

The petitioner is A4 in Crime No.59 of 2023, registered by the respondent police for the offences punishable under Sections 406, 420, 120(b), 465, 467, 468, 471 of IPC and Section 5 of TANPID Act and Section 21 of BUDS Act, seeks bail.

2.The learned counsel for the petitioner states that the petitioner was issued with a notice under Section 41-A of Cr.P.C., to appear before the respondent on 27.09.2023 and when he appeared he had been taken into custody on the same day and FIR was also altered to the afore mentioned Sections.

3.It is the case of the prosecution that A1 had created an on-line portal and thereby had collected a sum of Rs.3,36,000/- from various investors and had cheated them.

4.The learned counsel for the petitioner also stated that the only reason the petitioner had been issued with notice under Section 41-A of Cr.P.C., is that, he is the brother of A1.



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5.Taking into consideration the fact that A1 had been granted bail by this Court in Crl.O.P.No.5549 of 2023 by order dated 20.03.2023, I am inclined to grant bail to the petitioner on condition to deposit a sum of Rs.1,00,000/- to the credit of Crime No.59 of 2023, now pending before the Judicial Magistrate No.II, Coimbatore, within a period of two weeks from the date of receipt of a copy of this order and on receipt of such deposit, the learned Judicial Magistrate II, Coimbatore, may deposit it in an interest earning Fixed Deposit and to be renewed till completion of trial. If the petitioner is acquitted, the amount together with accrued interest may be returned back to the petitioner and if any one of the accused is convicted, the amount together with accrued interest may be handed over to the defacto complainant.

6.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 Judicial Magistrate No.2, Coimbatore, and on further conditions that:



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[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.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

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To

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



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C.V.KARTHIKEYAN. J.

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