



WEB COPY



CrI.O.P.No.28671 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2023

CORAM

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

CrI.OP.No.28671 of 2023

Senthil Mohan

...Petitioner

Vs.

State: The Inspector of Police,
C-2, Race Course Police Station,
Coimbatore,
Crime No.437 of 2023.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in FIR in Crime No.437 of 2023 on the file of the respondent police.

For Petitioner : Mr.M.Arun

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

ORDER

The petitioner in Crime No.437 of 2023 registered under Section 420 IPC and remanded to judicial custody on 04.11.2023 seeks bail.



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2.The defacto complainant is a wholesale business dealer in chicken and the petitioner is a retailer. The petitioner purchases chicken from the defacto complainant and he has to pay money for the same. In that process, there is a due of about Rs.46,00,000/-. Owing to that particular fact, a complaint had been given and the petitioner had been remanded to judicial custody. It is purely a civil dispute and the defacto complainant must file a suit to recover the money and cannot resort to lodging a complaint on these issues.

3.Taking all the factors into consideration, this Court is inclined to grant bail to the petitioner. 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.III, 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.



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[b] the petitioner shall report before the respondent police daily at 10.00 a.m., for a period of two weeks and thereafter as and when required.

[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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21.12.2023



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C.V.KARTHIKEYAN, J.

sli

To

1. The Judicial Magistrate No.III, Coimbatore.
- 2.The Inspector of Police,
C-2, Race Course Police Station,
Coimbatore,
Crime No.437 of 2023.
- 3.Central Prison, Coimbatore.
- 4.The Public Prosecutor, Madras High Court.

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