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Crl.O.P.No.21044 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.21044 of 2024

Mohamed Ansar Ismail

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Central Crime Branch (CCB)
Police Station, Tiruppur,
Tiruppur District.
(Crime No. 8 of 2020).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
2023 to enlarge the petitioner on bail, pending investigation in Crime No.8
of 2020 on the file of the respondent police.

For Petitioner : Mr.V.Murugesan

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody



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on 13.07.2024, for the alleged offence punishable under Section 406 and 420 of IPC, in Crime No.8 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is running the hand glove business. During the Covid-19 period, in the hand glove business, the petitioner had cheated the defacto complainant to the tune of Rs.36 lakhs. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He further submit that the petitioner was arrested and is in judicial custody for more than 45 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the alleged date of occurrence is on 23.06.2020 and the First Information Report was registered on 11.07.2020.



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He further submit that the allegation is that during the Covid-19 period, in the hand glove business, the petitioner had cheated the defacto complainant to the tune of Rs.36 lakhs. Thereafter, he went abroad. The respondent police issued LOC. Based on the LOC, while he was reaching the airport, he was arrested on 14.07.2024. He further submits that the petitioner has no previous cases pending against him and investigation was also completed. However, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the submissions made by the learned counsel on either side, and also considering that there is a commercial dispute between the parties, and considering the period of incarceration undergone by the petitioner, and considering the fact that the investigation was also completed and also considering that the petitioner has no previous cases pending, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.



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7. Accordingly, 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, each for a like sum to the satisfaction of the Judicial Magistrate No.I, Tiruppur, and on further conditions that:-

[a] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[b] the petitioner shall not commit any offences of similar nature.

[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 Judicial 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



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under Section 269 BNS.

03.09.2024

drl

To

- 1.The Judicial Magistrate No.I,
Tiruppur.
- 2.The Inspector of Police,
Central Crime Branch (CCB)
Police Station, Tiruppur,
Tiruppur District.
- 3.The Superintendent,
Central Prison, Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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