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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2024

CORAM

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

Crl.O.P.No.20714 of 2024

D.Viju ... Petitioner

Vs.

The State represented by,
The Inspector of Police,
CCB Police Station,
Coimbatore City,
Coimbatore District.
(Crime No. 29 of 2024). ... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S., pleased to enlarge the petitioner on bail in connection with Crime No. 29 of 2024 on the file of the respondent Police.

For Petitioner : Mr.C.Rajakumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.07.2024, for the alleged offence punishable under Sections 406, 420,

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506(ii) and 120 B of IPC, in Crime No.29 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused conspired together and intended to cheat the defacto complainant. They pledged the defacto complainant's property and subsequently, the defacto complainant came to know that his property had been shown as security for the company's loan account. Therefore, the accused cheated the defacto complainant to the tune of more than Rs.20 crores. 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 cheated by the defacto complainant and one Ramachandran. The said Ramachandran forged the petitioner's signature and fabricated the documents, in A1's company/Marcopolo Industries as a partnership firm, and subsequently, this partnership deed was used to secure the loan. He further submit that the petitioner is no way connected with the

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business. He further submit that the co-accused/A5 was released on bail. He further submit that the petitioner was arrested and is in judicial custody for more than 50 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 counsel for the intervenor submit that the petitioner along with other accused are actively participated in the present crime and they criminally conspired together and cheated the defacto complainant to the tune of more than Rs.22 crores. Hence, he opposed to grant bail to the petitioner.

5. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are totally six accused in this case and the petitioner herein is ranked as A6. He further submit that A1 is the company/Marcopolo Industries in which A5 and A6 are the partners. A3 is the Bank Manager, who colluded with other accused and without consent of the defacto complainant sanctioned a loan of about 22 crores. He further submit that the defacto complainant handed over the documents to A2 for Rs. 5 crores and he also received Rs.2.5 crores from the A2's account.

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Subsequently, the document was pledged with Indian Bank/A3 and the loan amount was disbursed to the accused persons for a sum of Rs.22 crores through A1's company. He further submitted that some amount was handed over to the defacto complainant and a sum of Rs.22 crores has been taken away by the petitioner. He further submit that the investigation in this case is almost completed. However, he opposed to grant bail to the petitioner.

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

7. Considering the submissions made by the learned counsel on either side, and considering there is a loan transaction between the parties and also considering that the defacto complainant is a Chartered Accountant and knows very well about the nature of documents executed by him, and the co-accused released on bail, and even according to the prosecution case, sum of Rs.2,55,00,000/- of funds from the second accused has been transferred to account of the defacto complainant and also considering the period of incarceration undergone by the petitioner, investigation was completed and

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also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

8. 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.VII, Coimbatore, 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

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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 269 BNS.

04.09.2024

drl

To

1.The Judicial Magistrate No.VII,
Coimbatore.

2.The Inspector of Police,
CCB Police Station,
Coimbatore City,
Coimbatore District.

3.The Superintendent,
Central Prison, Coimbatore.

4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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