



Crl.O.P.No.31621 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.31621 of 2024

V.Santhosh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Peelamedu Police Station,
Coimbatore – 641 004.
(Crime No.721 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in Crime No.721 of 2024, on the file of the respondent Police.

For Petitioner : Mr.G.V.Sridharan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

Petition seeking bail in respect of Crime No.721 of 2024 registered for the offences punishable under Section 316(2) and 318(4) of BNS, is on board for consideration.



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2. The incarceration of the petitioner being from 16.11.2024 pleading innocence on the part of the petitioner and false implication in the case, the learned counsel for the petitioner seeks indulgence of this Court. He also submits that a reading of the First Information Report shows that the entire allegations are attributed only against A1, who is the person stated to have induced the defacto complainant. He further submitted that the last line in the complaint states that action should be taken against the petitioner, as there is no material against the petitioner, as if he induced or cheated the defacto complainant. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this court. Hence, he prayed for bail.

3. The case of the prosecution as putforth by the learned Government Advocate (Crl.Side) appearing for the respondent police, opposing for grant of bail, is that the petitioner along with A1, induced the defacto complainant to invest in the business and assured him that they would return double the profit amount, believing their words, the defacto complainant invested a sum of Rs.1,43,997/-, however, the accused had not paid any amount, and thereby cheated him.



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4. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, including the FIR and considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.2, 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;

[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;



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[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 269 of B.N.S.

19.12.2024

drl

To

1. The Judicial Magistrate No.2,
Coimbatore.
2. The Inspector of Police,
Peelamedu Police Station,
Coimbatore – 641 004.
3. The Superintendent,
Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

drl

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