

IN THE COURT OF THE JUDICIAL MAGISTRATE NO.VII, COIMBATORE.

Present: Thiru.S.B.Sujith,B.A.,B.L(Hons).,
Judicial Magistrate No.VII,
Coimbatore.

Friday, the 12th of August 2022

CRLMP No.22531/2022

in

Cr.No. 342 / 2022

A-1 Ignisious Prabhu (32) S/o. AMX Amalraj ... Petitioner/ Accused
/Vs/

State Rep by
Inspector of Police.,
CCB Police Station
Cr.No. 342/2022
u/s 406,420 of IPC

... Respondent/Complainant

This petition is coming on this day for final hearing before this Court in the presence of learned Advocate Mr.P.Rameshbabu,M.L., Advocate for the petitioner / Accused and learned Assistant Public Prosecutor, represented for State, upon perusing the petition and the reply submitted by the Assistant Public Prosecutor having stood over for consideration till this Court, delivers the following:

ORDER

This bail Petition is filed u/s 437 of Cr.P.C to enlarge the accused on bail. Accused/petitioner is charged for an offence u/s 406,420 of IPC and accused is in judicial custody for past 12 days from 01.08.2022.

2. The Petitioner averred in the bail application that the defacto complainant preferred a complaint with the respondent police stating that this petitioner is running a trust by name International Unicef Council and he received contributions from several persons through defacto complainant and has cheated a sum of Rs.14,00,000/- and thus committed the offence. The counsel for the petitioner/accused contended that petitioner is an innocent and the said trust is a registered trust with proper accounts for all transactions is maintained by this petitioner and the petitioner is involved in social service and this complaint has been preferred by rivals and he has conducted several functions in social interest inviting both government officials and also police officers and he has no previous cases

against him and has permanent residence. If enlarged on bail he will not abscond or tamper the witnesses and the petitioner is ready to furnish sufficient sureties to the satisfaction of this Court. Hence the petitioner prays to enlarge him on bail.

3. The petitioner/accused submitted following documents namely Certificate issued by Governor of Kerala to Dr.M.Gopikrishnan, Dr.G.Sakthivel and Dr.S.V.Vijayaragav, Certificate issued by Governor of Karnataka to Dr.V.Shanmugasundaram, who are all the victims as stated by the defacto complainant, Photograph showing the petitioner participating in social welfare camps, Registered copy of the trust deed.

4. The petitioner/accused filed an undertaking memo wherein petitioner/accused undertakes to deposit Rs.7,50,000/- that is 50 % of the amount involved in this case to show his genuineness, while producing sureties before this court. Further petitioner/ accused submitted the following judgments in support of his contention. (i) Jagdish Shrivastav Vs State of Maharashtra 2022 (1)MWN (Cr)487 (SC) (ii) Sanjay Chandra Vs C.B.I AIR 2012 SC (Criminal) 47.

5. Notice issued to the learned A.P.P and the respondent police. Reply received. In the reply it was stated that if petitioner/accused released on bail, he will abscond and will not appear for the trial of the case. Hence for the reasons stated above the Prosecution strongly objected the release of petitioner on bail.

6. Heard and Records Perused. On perusal of records, it is found that the Accused was remanded to judicial custody on 01.08.2022 and for past 12 days he is under judicial custody. This court on considering the rival submissions finds that the merits of the case and detailed examination of evidence need not be done at this stage. The ultimate consideration is whether appearance of the accused for trial/investigation can be ensured by imposing suitable Bail conditions and by reasonable amount of Bail. From the prosecution side, no exceptional circumstances are brought to notice of Court. No previous cases exists in the name of accused. Further petitioner undertakes to deposit a sum of Rs.7,50,000/- to the satisfaction of court. From the records, it can be seen that accused has permanent residence in

Coimbatore. On considering the above discussion, facts and circumstances of the case and the remand period undergone and in the interest of justice, this court is inclined to grant interim bail to the petitioner with the following conditions:-

- (i) The petitioner/accused shall deposit a sum of Rs.7,50,000/- (Rupees Seven Lakhs fifty thousand only) to the credit of Cr.No.342/2022 as undertook in the memo during the time of furnishing sureties.
- (ii) The Petitioner/accused shall execute a bond for Rs.10,000/- along with two sureties each for like sum.
- (iii) The Petitioner/accused shall sign before police station concerned at 10.00 am daily for 30 days.
- (iv) The Petitioner/accused shall not influence the witnesses, tamper the evidence and he shall appear before the court as and when required.
- (v) The petitioner shall co-operate to the investigation agency.

Dictated to the Steno-typist and typed by her, corrected and pronounced by me in Open Court on this day of 12th day of August 2022.

(Sd/S.B.Sujith)
Judicial Magistrate No.VII,
Coimbatore.