

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Seventh day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.6953 of 2018

AALELAI VENDHAN,

[PETITIONER / ACCUSED]

Vs

STATE REP BY,
SUB INSPECTOR OF POLICE,
EDF-1, CENTRAL CRIME BRANCH,
TEAM-II, EGMORE, CHENNAI.
CR.NO. 149 OF 2017.

[RESPONDENT]

For Petitioner : M/S.T.MATHI Advocate

For Respondent : MR. C.IYYAPPARAJ, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested on 18.02.2018 for the offences punishable under Section 420 of IPC in Crime No.149 of 2017 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Kamakshi is that the petitioner and her son were classmates in Panimalar Engineering College and thereby, the first accused came into contact with her. Thereafter their friendship blossom into family level and by using the relationship, the first accused had induced her to invest an amount in her spices business and thereby the defacto complainant had invested the amount of Rs.60 lakhs on the promise given by the first accused to repay the amount four times the money invested by her on or before November 2016. Whenever the defacto complainant had asked for money she would say some reason or the other and whileso, on 30.03.2018, the defacto complainant received a message from the bank stating that the cheque issued by her from Axis Bank was dishonoured on the ground stating that 'funds insufficient' and the mismatch of signature. Thereafter, she came to know that the cheque was taken inconspicuously from the house of the defacto complainant and had been misused by the first accused, thereby, fearing that the first accused would do harm to her son, the defacto complainant had given a complaint against the first accused and the petitioner.

3.The learned Counsel appearing for the petitioner would submit

that admittedly there was a relationship between the mother of the petitioner herein and the defacto complainant and there were business dealing between them and that the defacto complainant had borrowed an amount of Rs.50 lakhs from his mother and issued a cheque and failed to honour the cheque and in respect of which complaint under section 138 of the Negotiable Instrument Act has been preferred by his mother before the Judicial Magistrate, Ambattur. While so a false complaint has been given by the defacto complainant and his mother was arrested and thereafter released on bail. The learned counsel for the petitioner would further submit that the petitioner is 89 % mark holder in BE and that due to the financial dispute between the defacto complainant and the petitioner's mother he has been unnecessarily kept in custody and he would submit that during the relevant period he was a student and he has nothing to do with the alleged offence. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that mother of the petitioner who is the first accused in this case was arrested and ordered to be released on bail on condition to deposit Rs.20 lakhs and thereafter since she did not comply with the condition she was arrested and is in custody.

5. Taking into consideration the facts of the case and the submissions made by the learned counsels arrest and also taking note of the fact that the petitioner has been in custody since 18.02.2018, I am inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on her 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 learned CCB/CBCID Court, Lillipond, Egmore, Chennai, and on further condition that:

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

[b] the petitioner shall not abscond either during investigation or trial

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] 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]**.

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
07/03/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE CCB/CBCID COURT,
LILLIPOND, EGMORE, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT
CENTRAL PRISON, PUZHAL, CHENNAI

4 STATE REP BY,
SUB INSPECTOR OF POLICE,
EDF-1, CENTRAL CRIME BRANCH,
TEAM-II, EGMORE, CHENNAI.

+2 CC to M/S.T.MATHI Advocate on payment of necessary charges
SR.NO. 4515

CRL OP.6953/2018

Date :07/03/2018

RD 07/03/2018