

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.07.2020

CORAM :

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

Crl.O.P.No.7233 of 2020

and

Crl.M.P.No.4200 of 2020

Mohanram

... Petitioner

vs.

The State
Rep. by Inspector of police
District Crime Branch
Cuddalore
(Crime No.6/2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.6 of 2020 pending on the file of the respondent.

For Petitioner : Ms.R.Rathidevi

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 25.02.2020 for the offences punishable under Section 406 & 420 IPC, in Crime No.6 of 2020, seeks bail.

2.The case of the prosecution as per the defacto complainant Azhaganandam is that the petitioner along with other accused induced the defacto complainant to take the petrol bunk for lease for a sum of Rs.30 lakhs and later cheated him.

3.The learned counsel appearing for the petitioner would submit that a civil case projected as criminal case. The petitioner was arrested on 25.02.2020 and thereafter the petitioner was granted interim bail by this Court vide order dated 17.04.2020. The petitioner was in custody for more than 52 days. She would further submit that major part of the investigation is over and the petitioner is ready to abide by any stringent conditions to be

imposed by this Court. She would further submit that without prejudice to her defence, the petitioner is prepared to deposit the original title deeds of the petrol bunk before the concerned court.

4.The learned Government Advocate (Criminal Side) would submit that the petitioner along with other accused induced the defacto complainant to take the petrol bunk for lease and collected Rs.30 lakhs and cheated him. Investigation is pending. He would further submit that the co-accused in this case has absconded.

5.Taking into consideration of the facts and circumstances, also considering the submissions made by the learned counsel that the petitioner is prepared to deposit the original title deeds of the Petrol Bunk before the concerned Magistrate, the interim bail granted by this Court vide order dated 17.04.2020 is hereby made absolute subject to the following conditions:

(a) Accordingly, the petitioner is directed to surrender and on condition to execute two sureties for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each, before the learned Judicial Magistrate No.I, Cuddalore, within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, failing which the bail granted by this Court shall stand dismissed automatically;

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police everyday at 10.30 a.m. for a period of one week and thereafter as and when required for interrogation.

(d) the petitioner shall surrender the original title deeds of the petrol bunk before the learned Magistrate concerned.

(e)the petitioner shall not commit any offence of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) 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];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, the Criminal Original Petition is ordered. Consequently, connected miscellaneous petition is closed,

-sd/-
30/07/2020

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 JUDICIAL MAGISTRATE,
NO.I, CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
CUDDALORE.

CC to M/S.R.RATHIDEVI Advocate on payment of necessary charges

WEB COPY

CRL OP.7233/2020
& CRL.MP.4200/2020

Date :30/07/2020

cs 25/08/2020