

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 01.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA
Crl.O.P.No. 15504 of 2020

Balakumar

... Petitioner

Vs.

State: Inspector of Police,
J 8 Neelangarai Police Station,
Chennai

(Crime No.1105 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C.
to enlarge the petitioner on bail in Crime No.1105 of 2020, on the
file of the respondent police.

For Petitioner : Mr.M.Rajavelu

For Respondent : Mrs.S.Thankira

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 21.08.2020 for the offences punishable under Sections
406 and 420 of IPC, in Crime No.1105 of 2020 on the file of the
respondent police, seeks bail.

2. The case of the prosecution as per the defacto
complainant S.P.Sethulingam is that he engaged in the business of
selling computers and electronic items. The allegation is that the
petitioner had approached him for purchasing electronic items on
the false representation that he along with his sister Kumudhini
running a matrimonial site. Believing his representation, the
defacto complainant supplied two Lap Tops, one computer and a
Printer for which, the petitioner had issued a post dated cheque.
Thereafter, when the cheque was present for collection, it had
been returned due to "insufficient funds". Hence, the case has
been registered.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that the petitioner is running a matrimonial site in the name of "The B Company" and he had no intention to cheat the defacto complainant and that he never induced the defacto complainant to deliver the goods. He would further submit that the petitioner has no bad antecedents and he has been suffering incarceration from 21.08.2020 and he is prepared to furnish sufficient sureties before the concerned court and also prepared to abide by any stringent condition. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner on the false promise of paying money, had purchased two Lap Tops, one Computer and a Printer from the defacto complainant and issued a post dated cheque. When the cheque was presented for collection, it was returned due to "insufficient funds". She would further submit that the petitioner knowing fully well that there were no sufficient amount in his account, had purchased goods from the defacto complainant and issued a post dated cheque and thereby, cheated the defacto complainant. Hence, she vehemently opposed for grant of bail to the petitioner.

5. Heard the learned Counsels and perused the F.I.R.

6. Taking into consideration the facts and submissions made by the learned counsels and considering the period of incarceration by the petitioner from 21.08.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Alandur, Chennai, and on further conditions that:

(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 daily at 10.30 a.m. until further orders.

(d) the petitioner shall not commit any offences of similar nature;

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

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

(g) 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];

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

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
01/10/2020

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.II,
ALANDUR, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON 2,
PUZHAL, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
J 8 NEELANGARAI POLICE STATION,
CHENNAI.

+1CC to M/S.M.RAJAVELU Advocate on payment of necessary charges SR NO.6567

CRL OP.15504/2020

Date :01/10/2020

MK:05/10/2020

<https://hcservices.ecourts.gov.in/hcservices/>