IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.17869 of 2020

Senthuran ... Petitioner

Vs.

State represented by,
The Sub Inspector of Police,
Walajapet Police Station,
Walajapet.
(Crime No.720 of 2020) ... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.720 of 2020 on the file of the respondent.

For Petitioner : Mr.R.Sankarasubbu

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 18.09.2020 for the alleged offences punishable under Section 420 of IPC, in Crime No.720 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de facto* complainant Santhi is that one Somasri, who is a Sri Lankan refugee, was her tenant and that he had introduced one Senthuran/the petitioner herein and that both the accused induced the *de facto* complainant that if she invests in travel business, she will get more profits. Thereby, the *de facto* complainant invested an amount of Rs.12,95,000/- and thereafter, they did not return the money, did not give any profits and when she had demanded the money back, returned an amount of Rs.1,00,000/- and later, cheated the *de facto* complainant. Hence, the complainant.

WEB COPY

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

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that the case of financial dispute has been falsely projected as cheating. He would submit that as far as the amounts, which have come into the petitioner's account is Rs.5,00,000/- and the petitioner has repaid most of the amount. He would submit that the petitioner is in custody for about 54 days and that the petitioner is prepared to abide by any stringent condition that may be imposed on the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose stating that the petitioner along with other accused cheated the *de facto* complainant to the tune of Rs.12,95,000/-.

5. Taking into consideration the facts and submissions made by the learned counsels and also considering the period of incarceration suffered by the petitioner, 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.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No-II, Walajapet, 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, on his release from prison, shall report before the respondent police everyday 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

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

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.

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

-sd/-
11/11/2020

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,
WALAJAPET.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE JAILER,
SUB-JAIL, VELLORE.

4 THE JAILER,
SUB-JAIL, RANIPET.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

7 THE SUB-INSPECTOR OF POLICE,
WALAJAPET POLICE STATION,
WALAJAPET.

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

CRL OP.17869/2020

Date :11/11/2020

MK:18/11/2020

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/