



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 18.08.2021
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.Nos.14129 and 14714 of 2021

Velayutham ... Petitioner in Crl.O.P.14129/2021
Hasar @ Hasan Kadher ... Petitioner in Crl.O.P.14714/2021
Vs.

The State represented by
The Inspector of Police,
D-3, Ice House Police Station,
Chennai District.
(Crime No.370 of 2021)

... Respondent in both Crl.O.Ps.

Common Prayer:

Petitions filed under Section 439 of Cr.P.C., seeking to enlarge the petitioners on bail in Crime No.370 of 2021 on the file of the respondent police.

For Petitioners : Mr.C.Prabakaran in Crl.O.P.14129/2021
Mr.P.Saranath in Crl.O.P.14714/2021

For Respondent : Mr.A.Gopinath in both Crl.O.Ps.
Government Advocate (Crl. Side)

C O M M O N O R D E R

The petitioner in Crl.O.P.No.14129 of 2021 who was arrested and remanded to judicial custody on 18.07.2021 and the petitioner in Crl.O.P.No.14714 of 2021 who was remanded to judicial custody on 19.07.2021 for the offence under Sections 406 and 420 of I.P.C. in Crime No.370 of 2021 on the file of the respondent police, seek bail.

2.It is the case of the prosecution that the petitioners along with the other accused are alleged to have cheated the defacto complainant to the tune of Rs.87.50 Lakhs.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) submitted that the petitioner in Crl.O.P.No.14129 of 2021 is arrayed as A4 and the



petitioner in Crl.O.P.No.14714 of 2021 is arrayed as A3. He further submitted that a sum of Rs.75 Lakhs is with A1 and the same has to be recovered and further submitted that the balance amount of Rs.12.50 Lakhs has been recovered from the other accused.

5.Considering the period of incarceration undergone by the petitioners, I am inclined to grant bail to the petitioners. However, benefit of this order is not applicable to A1.

6.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned II Metropolitan Magistrate, Egmore, Chennai and on further condition that:

(a)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police, daily at 10.30 a.m. until further orders;

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]; and;

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

-sd/-

18/08/2021

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.



1 II METROPOLITAN MAGISTRATE
COURT, EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
D-3, ICEHOUSE POLICE STATION,
CHENNAI DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

CC to M/S.C.PRABAKARAN Advocate on payment of necessary charges
sr.8709

CRL OP.Nos.14129 and 14714 of 2021

Date :18/08/2021

RVR 19/08/2021