



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.15646 of 2021

J.Balan

... Petitioner

Vs.

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

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C prayed to enlarge the petitioner on bail pertaining to Crime No.370 of 2021 pending investigation on the file of the respondent.

For Petitioner : Mr.D. Jagadeesan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 19.07.2021 for the offences under Sections 406 and 420 of I.P.C in Crime No.370 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused alleged to have cheated the defacto complainant to the tune of Rs.87.50 lakhs. Hence, the law enforcing agency registered a case against the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner have not committed any offence as alleged by the prosecution and the petitioner has been jail from 19.07.2021. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that petitioner along with other accused alleged to have cheated the defacto complainant to the tune of Rs.87.50 lakhs. He further submits that this Court had already granted bail to the co-accused person in Crl.O.P.Nos.14129 and 14714 of 2021 dated 18.08.2021 on the offence 12.50 lakhs recovered from the petitioner. However, he vehemently opposed for grant bail to the petitioners.



5. Considering the facts and circumstances of the case the main allegation is against A1 who swindled 75 lakhs, further 12.50 lakhs were recovered from the petitioner and this Court had already granted bail to the co-accused person in CrI.O.P.Nos 14129 and 14714 of 2021 dated 18.08.2021 also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his 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 II Metropolitan Magistrate Court at 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 petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

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

(d) the petitioner 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 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]**; and;

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

-sd/-
31/08/2021

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 THE METROPOLITAN MAGISTRATE,
NO.II, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE.
D-3 ICE HOUSE POLICE STATION,
CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

+1 CC to M/S. D.JAGADEESAN Advocate on payment of necessary
charges SR.NO.9288

CRL OP.15646/2021

Date :31/08/2021

TA-01/09/2021