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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.2758 of 2022

Nandakumar S

.. Petitioner

Vs.

State represented by
The Inspector of Police,
S-1. St. Thomas Mount Police Station,
Chennai,
(Crime No.323 of 2021)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending investigation in Crime No.323 of 2021 on the file of the respondent.

For Petitioner : Mr.P.Vishnu

For Respondent : Mrs.G.V.Kasthuri,
Additional Public Prosecutor

O R D E R

The petitioner who was arrested on 30.12.2021 and remanded to judicial custody on 30.12.2021 for the offences under Sections 406 & 420 I.P.C in Crime No.323 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner running real estate business and it is alleged that the petitioner along with other accused have lured the defacto complainant and collected a sum of Rs.40,00,000/-(either cash and bank transaction) and thereby cheated to the tune of Rs.40,00,000/-Hence, the defacto complainant lodged a complaint before the Law Enforcing Agency.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submits that as of now, after registering the case entire amount which has been received from the defacto complainant was repaid by the petitioner and further he does not have



any liability to pay any due to the defacto complainant. He also submitted that the petitioner is in Judicial Custody from 13.12.2022 onwards. Hence, he seeks for grant of bail to the petitioner.

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4. The learned Additional Public Prosecutor submits that the defacto complainant has deposited only a sum of Rs.98,000/- in the account maintained by the petitioner. However, he opposed for grant of bail to the petitioner.

5. Heard both sides and perused the CD file produced by the learned Additional Public Prosecutor.

6. In view of the above submissions made by the learned Counsels on either sides and also considering that as of now the portion of amount which was received by the petitioner during the time of alleged occurrence was repaid to the defacto complainant, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on their executing separate bonds 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-I, Alandur, Chennai and on further conditions 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. for a period of thirty (30) days;

(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/-

08/02/2022

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 I,
ALANDUR, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
CHENGALPATTU DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE, CRIME,
S-1 ST.THOMAS MOUNT POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

+1 CC to M/S.P.VISHNU Advocate on payment of necessary charges
SR.NO.2100

CRL OP.2758/2022

Date :08/02/2022

INBA~08/02/2022