



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.3098 of 2022

1. Ravichandran
2. Latha
3. Rahul
4. Subash

...Petitioners/Accused-1 to 4

Vs.

State,
Represented by the
Inspector of Police,
District Crime Branch,
Krishnagiri District.
(Crime No.10 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.10 of 2021 on the file of the respondent police.

For Petitioners: Mr.V.Vijaykumar

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

O R D E R

The petitioners, who were arrested and remanded to judicial custody on 11.01.2022 for the offence under Section 420 of IPC in Crime No.10 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that during the course of business transaction, the de facto complainant gave a sum of Rs.5,60,00,000/- to the petitioners 1 to 4. Later, they refused to repay the same and accordingly, they cheated the de facto complainant. Hence, the complaint.



3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. It is the further submission that the averments found in the First Information Report did not show the dishonest intention having by the accused, also the petitioners are in the judicial custody from 11.01.2022 onwards. Hence, the petitioners are before this Court with the present petition.

4. The learned Additional Government Pleader appearing for the respondent police would submit that in the alleged occurrence, the petitioners with dishonest intention, cheated the de facto complainant to the tune of Rs.5,60,00,000/-. According to her, the investigation is pending, if the petitioners are released on bail, they may try to tamper the witness and hamper the investigation.

5. The submissions made by the learned counsel appearing on either side are considered.

6. The petitioners are arrayed as A-1 to A-4 in the petition mentioned F.I.R. Further, the said F.I.R. has been registered for the offence punishable under Section 420 of IPC. In this occasion, on going through the entire averments narrated in the F.I.R., it would reveal the fact that while at the time of occurrence, in order to run the real estate business, the de facto complainant initially gave Rs.50,00,000/- to the petitioners and afterwards, he gave another sum totalling about Rs.5,60,00,000/-. Though the de facto complainant was averred as above, he himself admitted in the said complaint that after the receipt of the above said money, the petitioners repaid some amount through bank transactions. It is the further averment found in the F.I.R. that while at the time of giving money to the petitioners, the de facto complainant obtained a cheque leaf and pronote from the petitioners. This all shows that during the time of occurrence, the petitioners deposited some amount for the business transaction, in otherwise, whether the petitioners are having dishonest intention or not to cheat the de facto complainant, the same has to be decided only during the time of trial.

7. Accordingly, considering the facts and circumstances of the case and on considering the period of incarceration, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail on their executing separate 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, Krishnagiri and on further conditions that:

(a) 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;



(b) the petitioners shall appear before the respondent police daily at 10.00 a.m. until further orders;

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

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

(e) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

-sd/-
09/02/2022

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,
NO.II, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI DISTRICT. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
KRISHNAGIRI DISTRICT.



5 THE OFFICER INCHARGE,
SUB JAIL, HOSUR.

6 THE SUPERINTENDENT,
SALEM CENTRAL WOMEN PRISON,
SALEM.

+1 CC to M/S.V.VIJAYKUMAR Advocate on payment of necessary
charges SR.NO.2119

CRL OP.3098/2022

Date :09/02/2022

RW 10/02/2022