



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.7113 of 2022

And Crl.M.P.NO.4522 of 2022

B.Sivaganesan @ Sivaganapathi

... Petitioner

Vs.

The State rep. by  
The Inspector of Police,  
Central Crime Branch, EDF-1,  
Vepery, Chennai.  
(Crime No.89 of 2019)

... Respondent

R.Kumar

... Intervener / Defacto Complainant

[ORDERED AS PER ORDER OF THIS COURT DATED 04.04.2022 IN CRL.M.P.4522 /2022 IN CRL.O.P.NO.7113/2022]

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.89 of 2019 on the file of the respondent police.

For Petitioner : Mr.K.Ramesh

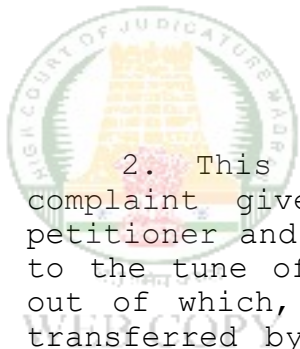
For Respondent : Mrs.G.V.Kasthuri  
Additional Public Prosecutor

For Intervenor : Mr.K.Kesavan

\*\*\*\*\*

ORDER

The petitioner, who was arrested on 24.02.2022 for the alleged offences under Sections 420, 465, 467, 468, 471 and 120B of IPC in Crime No.89 of 2019, on the file of the respondent police, seeks bail.



2. This petitioner herein was arrested on 24.02.2022 on a complaint given by one Kumar, son of Raju, alleging that this petitioner and the others promising him to arrange for a foreign loan to the tune of Rs.350 crores, had cheated him around Rs.3 crores/-, out of which, the F.I.R indicates that less than Rs.one crore was transferred by the petitioner through the bank transaction and the rest were paid by cash. There was only loan transaction between the petitioner and the defacto complainant, for which, the cheque was issued to the defacto complainant and also the substantial portion of the loan already discharged. For the undischarged loan amount, the defacto complainant has already initiated proceedings under Section 138 of N.I.Act and the same is pending. In such circumstances, the petitioner was arrested on 24.02.2022 on a false complaint, inspite of being participated in the investigation as and when the police required him to appear.

3.Considering the nature of the complaint and the fact that the defacto complainant has already initiated proceedings under Section 138 of N.I. Act for issuance of the cheque for a sum of Rs.2,38,00,000/-, this Court is of the view that the further detention of this petitioner is not required, provided he is participating in the investigation without any breach.

4.Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate-I, Poonamalle;

(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 is directed to report before the Investigating Officer daily at 10.30 a.m. until further orders;

(d) the petitioner 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 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];



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

WEB COPY

-sd/-  
04/04/2022

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.I, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,  
CENTRAL CRIME BRANCH, EDF-1,  
VEPERY, CHENNAI

4 THE SUPERINTENDENT,  
PUZHAL PRISON, CHENNAI.

5 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+2 CC to M/S.K.RAMESH Advocate on payment of necessary charges  
SR.NO.5056

CRL OP.7113/2022  
And Crl.M.P.4522/2022

Date :04/04/2022

JPA 05/04/2022