



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.8984 of 2022

Natarajan

.. Petitioner

Vs.

The State rep. by
The Inspector of Police,
District Crime Branch,
Thiruvarur.
(Crime No.4 of 2021)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.4 of 2021 on the file of the Inspector of Police, Thiruvarur District Crime Branch Police Station, Thiruvarur, pending trial in C.C.No.15 of 2022 on the file of the Judicial Magistrate, Tiruvarur.

For Petitioner : Mr.D.J.Venkatesan

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

For Intervenor : Mr.V.T.Narendiran

O R D E R

The petitioner, who was arrested for the offences punishable under Sections 406, 420, 120B, 506(i) of IPC Crime No.4 of 2021, on the file of the respondent police, seeks bail.

2.Heard the learned counsel for the petitioner, learned Additional Public Prosecutor and the intervenor.

3.Alleging that the petitioner herein has cheated Rs.85 lakhs as a sale consideration for the sale of a petrol bunk, which was in fact owned by A1 and A2, this petitioner was arrested on 29.03.2022.

4.Learned Additional Public Prosecutor appearing for the respondent states that the prosecution has completed the investigation and has filed the final report and the same has been taken on file by the learned Judicial Magistrate, Tiruvarur in C.C.No.15 of 2022.



5. Learned counsel for the defacto complainant/intervenor submitted that by misrepresentation, this petitioner has received Rs.85 lakhs and put the defacto complainant in possession of the petrol bunk in the year 2018. Within few months, the other two accused claimed right over the petrol bunk and forcibly evicted the defacto complainant. Neither the possession of the petrol bunk nor the money has been returned to the defacto complainant. Hence, granting bail to this petitioner will prevent the defacto complainant from recovering the money.

6. Considering the facts placed before this Court by the respective counsels and taking note that the investigation is completed and the case has been taken on file, this Court is inclined to grant bail to this petitioner. 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.50,000/- (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvavarur.

(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 appear 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.

-sd/-

20/04/2022

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.



1 THE JUDICIAL MAGISTRATE,
THIRUVARUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR (FOR INFORMATION)

3 THE JAILER, SUB JAIL,
THIRUTHURAIPOONDI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THIRUVARUR

CC to M/S.D.J.VENKATESAN Advocate on payment of necessary
charges SR.NO.5869

CRL OP.8984/2022

Date :20/04/2022

RVR 21/04/2022