



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.10926 of 2022

VENKATESAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
DCB POLICE STATION,
CUDDALORE DISTRICT.
CR.NO. 19 OF 2022.

[RESPONDENT]

For Petitioner : M/S. C.PRABAKARAN Advocate

For Respondent : MR. S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 22.04.2022 for the alleged offences under Sections 420 and 506(1) of IPC in Crime No.19 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the de facto complainant and others have paid nearly a sum of Rs.1.06 Crores to the petitioner for converting the property into plots and to sell the same to the prospective purchaser. Thereafter, they found that the transaction was not going through and hence, demanded the petitioner to repay back. The petitioner was able to settle only a sum of Rs.60 Lakhs. The petitioner undertook to return back the sum of Rs.46 Lakhs within a period of six months and also gave a written undertaking in a stamp paper. It was not complied with and thereby, the petitioner cheated the de facto complainant and others. When this was questioned, the petitioner is said to have threatened the de facto complainant and others with dire consequences.



3. The learned counsel for the petitioner submitted that a business transaction was given a criminal colour and the petitioner has been unnecessarily remanded to judicial custody and he has suffered incarceration for nearly 88 days. The learned counsel further submitted that the real dispute between the parties was with regard to the payment of brokerage commission and the de facto complainant and others were demanding for exorbitant amount. When the same was refused to be paid, a false complaint has been lodged against the petitioner and he has been remanded to judicial custody.

4. Per Contra, the learned Government Advocate (Criminal Side) submitted that the petitioner had cheated the de facto complainant and others to the tune of Rs.46 Lakhs. That apart, the petitioner also has one previous case of the same in nature. That apart, the petitioner was arrested only on 22.04.2022 and the investigation is still pending.

5. In the considered view of this Court, there was a money transaction between the petitioner and the de facto complainant and others and it is stated that the petitioner had returned back only a sum of Rs.60 Lakhs and the balance amount of Rs.46 Lakhs was not repaid back and thereby, the petitioner had cheated the de facto complainant and others. In a case of this nature, no useful purpose would be served in keeping the petitioner behind bars and rather it will be more beneficial for the prosecution to proceed further with the investigation with the co-operation of the petitioner. In view of the same, this Court is inclined to enlarge the petitioner on bail by imposing 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 Judicial Magistrate I, Vridhachalam, 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 on every Monday and Friday at 10.30 a.m. for a period of six weeks and thereafter, as and when required.

[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 petitioners 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/-
18/05/2022

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 VRIDHACHALAM

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DCB POLICE STATION,
CUDDALORE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE

+1 CC to M/S. C.PRABAKARAN Advocate on payment of necessary charges SR.No. 7143

CRL OP.10926/2022

Date :18/05/2022

SP(18/05/2022)