



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.OP.No.12128 of 2022

C.Srinivasan

..Petitioner/sole accused

Vs.

The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai-118
Crime No.864 of 2018.

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.864 of 2018 pending investigation on the file of the respondent police.

For Petitioner : M/s.L.Srileka

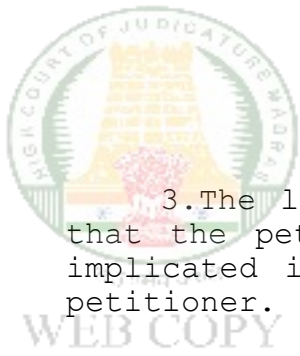
For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

(*) For Intervenor : MR.W.CAMYLES GANDHI, Advocate

ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.04.2022 for the offences punishable under Sections 420 and 406 of IPC in crime No.864 of 2018 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the defacto complainant was working as a staff in the petitioner's real estate company and she gave money and jewels to purchase a land at Vepampattu. However, he never purchased a plot for her nor returned the money. Thereafter, she also resigned job for want of salary. Further, when she asked her money, the petitioner and his family members abused her in filthy language and also threatened her. Hence the case.



3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he seeks for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the defacto complainant had given Rs.15,00,000/- and six sovereigns of gold articles to the petitioner on believing the words of the petitioner that he will purchase a plot for her in Tiruvallur. However, no plot was purchased for her and the money was also not returned to her. Hence, he vehemently opposed to grant bail to the petitioner.

(*) (a). " The learned counsel for the intervenor submitted that in order to purchase a property, the defacto complainant paid totally Rs.15 lakhs to the petitioner. Thereafter, he did not return the amount and even he did not hand over any property. Further, the petitioner refused to pay salary as such she resigned her job. When she questioned the petitioner about the same, she was threatened by the petitioner and his family members with dire consequences. Hence, he vehemently opposed to grant bail to the petitioner"

5.Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his executing 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 X Metropolitan Magistrate, Egmore, 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 06.30 p.m. for a period of four weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[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 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/-

07/06/2022

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.

(*)Being Mentioned as per Order of this Court dated 21/06/2022 made in CRL.OP.NO.12128/2022.

TO

1 THE METROPOLITAN MAGISTRATE,
NO.X, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
P-6, KODUNGAIYUR POLICE STATION,
CHENNAI-118.

5 THE SUPERINTENDENT,
CENTRAL JAIL, PUZHAL, CHENNAI.

+1 CC to M/S.L.SRILEKA Advocate on payment of necessary charges
SR.NO.9672

+5 CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary
charges SR.NO. 9601

CRL OP.12128/2022

Date :07/06/2022

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CSK 23/06/2022