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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2022

CORAM

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

Cr1.OP.No.12371 of 2022

M.Prakash

..Petitioner/A1

Vs.

State of Tamil Nadu,
Rep. by Inspector of Police,
Central Crime Branch-II, EDF-III,
Greater Chennai Police, Vepery,
Chennai 600 007
Crime No.76 of 2020

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in CC.No.19 of 2021 pending trial in Judicial Magistrate Court-I, Tambaram in crime No.76 of 2020 dated 23.07.2020 on the file of the respondent police.

For Petitioner : Mr.B.Chandran

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.08.2020 for the offences punishable under Sections 409, 120B of IPC in CC.No.19 of 2021 on the file of the Judicial Magistrate Court No.I, Tambaram in respect of crime No.76 of 2020 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the petitioner and other accused persons were running a company in the name of 'Sunshine Property Developer' and the defacto complainant approached them for a house on lease and paid Rs.5,30,000/-. Thereafter he lived in the house. After some time, one another person introduced himself as the owner of the house and asked for rent amount. 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. He would further submit that the detention order No.263/BCDFGISSSV/2021 dated 14.09.2021 passed against the petitioner was set aside by this Court. Hence, he seeks for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the defacto complainant approached the petitioner's company for having a house on lease. However, the defacto complainant has been cheated after getting money. Hence, he vehemently opposed to grant bail to the petitioner.

5.Considering the above facts and circumstances of the case and 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.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate-I, Tambaram, 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 10.30 a.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.

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-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.

TO

1 THE JUDICIAL MAGISTRATE-I,
TAMBARAM, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH - II,
EDF-III, GREATER CHENNAI POLICE,
VEPERY, CHENNAI - 600 007.

4 THE SUPERINTENDENT,
CENTRAL PRISON-II, PUZHAL,
CHENNAI-66.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.B.CHANDRAN Advocate on payment of necessary charges
SR.No.8500

CRL OP.12371/2022

Date :07/06/2022

CSK 08/06/2022