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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM

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

Crl.OP.No.14176 of 2022

Prasad @ Ramichetty Prasad

.. Petitioner

Vs.

State Rep by:
Inspector of Police,
Central Crime Branch - I,
Team-I, EDF - I, Egmore, Chennai.
(Crime No.84 of 2022)

.. Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail by the respondent in Crime No.84 of 2022 on the file of the respondent Police.

For Petitioner : Mr.S.Arivazhagan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.05.2022 for the offences under Sections 406, 420 of IPC in Crime No.84 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is a marketing agent and he is running a business in the name and style of Kamakshi Bullions and Coins at 123, Porla Street, Tirupati and that he had a service agreement dated 05.03.2021 with IK Jewellers/defacto complainant. He was active and prompt in his marketing procedure and that he would come to the defacto complainant's premises for selecting the jewellery, raise invoices for the customers for the jewellery sold by them and that he has done a few transactions for 916 purity plain gold jewellery and that believing he was a genuine and trust worthy service agent, the defacto complainant had handed



over gold jewellery to the petitioner on 07.01.2022 at his premises and alleged that the petitioner had not returned the sale amount or the jewellery and when the defacto complainant reached Tirupati looking for the petitioner, some unknown persons had threatened him with dire consequences.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would also submit that the petitioner was arrested and remanded to judicial custody on 19.05.2022. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that there was a business transaction between the petitioner and the defacto complainant for more than 10 years. He would further submit that after receipt of the jewels, the petitioner failed to pay the remaining amount and there was a due by the petitioner.

5. Considering the above facts and circumstances of the case and also considering the period of incarceration, 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 blood related sureties, each for a like sum to the satisfaction of the learned Metropolitan Magistrate for the exclusive trial of CCB Cases (Relating to Cheating Cases in Chennai) and CBCID Metro Cases, 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 10.30 a.m., and 5.30 p.m., for a period of four weeks and thereafter, as and when required for interrogation.

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

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] 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 petitioners 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/-
20/06/2022

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 METROPOLITAN MAGISTRATE,
FOR THE EXCLUSIVE TRIAL OF CCB CASES
(RELATING TO CHEATING CASES IN CHENNAI) &
CBCID METRO CASES, EGMORE, CHENNAI

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

3 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH I, TEAM I,
EDF I, EGMORE, CHENNAI

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.ARIVAZHAGAN Advocate on payment of necessary charges SR.NO.9497

CRL OP.14176/2022

Date :20/06/2022

JPA 20/06/2022