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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2022

CORAM

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

Cr1.OP.No.14478 of 2022

J.Ashok

..Petitioner/A1

Vs.

State by
Inspector of Police,
Central Crime Branch,
Tambaram
crime No.13 of 2022.

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.13 of 2022 pending investigation on the file of the respondent police.

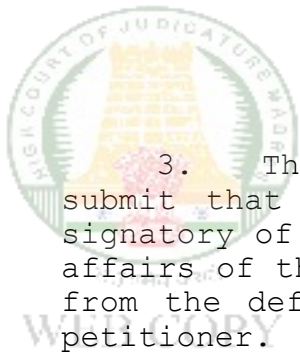
For Petitioner : Mr.K.R.Ramesh Kumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.05.2022 for the offence punishable under Sections 420 & 506(2) of IPC in crime No.13 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that one, Vijay introduced the first accused to the defacto complainant's husband and A1 claimed that he is running real estate business in the name and style of "Lakshmi Classic Homes Private Limited" and also stated that on making investments in his company, property would be allotted in his favour within one year near Chennai. Believing the said words, the defacto complainant paid a sum of Rs.59,33,134/-. Thereafter, the petitioner along with other accused persons did not purchase any property in the name of the complainant and also failed to return the amount which was received by them. Hence, the case.



3. The learned counsel appearing for the petitioner would submit that the petitioner is neither Director nor the authorized signatory of the company and he did not participate in the day to day affairs of the company. Further, the petitioner did not receive money from the defacto complainant. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the defacto complainant paid Rs.59,33,134/- to the accused persons for purchase of property. However, they did not purchase any property and even, they did not return the money. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen that the petitioner was arrested and remanded to judicial custody on 11.05.2022 and so far, Rs.16,64,859/- has been paid by the petitioner to the defacto complainant. Further, due to covid-19, the petitioner and other accused persons could not purchase the property. In fact, they also executed memorandum of understanding to that extent.

6. 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.10,000/- (Rupees ten thousand only) with two blood related sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Chengalpettu 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 05.30 p.m. for a period of four weeks and thereafter report before the respondent police 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/-
24/06/2022

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,
NO.II, CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
TAMBARAM.

5 THE SUPERINTENDENT,
CENTRAL PRISON, CHENGALPATTU.

+1 CC to M/S. K.R.RAMESH KUMAR Advocate on payment of
necessary charges SR.NO.9877

CRL OP.14478/2022

Date :24/06/2022

TA-24/06/2022