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Crl.OP.No.15782 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2022

CORAM

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

Crl.O.P.No.15782 of 2022

C.Suresh @ Suresh Kumar

...Petitioner

Vs.

State, Rep. by
The Inspector of Police,
T-10, Thirumullaivoyal Police Station,
Chennai.
Crime No.374 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.374 of 2022 on the file of
the Respondent Police.

For Petitioner : Mr.Karthikeyan
for Mr.J.Ramesh

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.05.2022 for the offence under Sections 465, 468 and 420 IPC, in Crime No.374 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner assures with a promise to get a job at Northern Railway "C" group for which he received Rs.11 lakhs from the defacto complainant and obtained all original certificates and issued fake appointment order and thereafter the petitioner neither returned the money nor secured the job. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the amount given to the petitioner was previously transferred to some other person and the entire amount involved has been returned to the defacto complainant. That apart, the petitioner was arrested and remanded to judicial custody on 17.05.2022. Hence, he prays for grant of bail to the petitioner.



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4.The learned Additional Public Prosecutor submitted that the petitioner along with other accused have cheated the defacto complainant to the tune of Rs.11 lakhs. Hence, he opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner i.e., from 17.05.2022, this Court is inclined to grant bail to the petitioner.

6. Accordingly, 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, Ambattur** 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 twice daily at 10.30.a.m., and 04.30.p.m., for a period of three weeks and thereafter as and when required for interrogation.



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

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[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.

07.07.2022

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To

1. Judicial Magistrate,
Ambattur.
2. The Inspector of Police,
T-10, Thirumullaivoyal Police Station,
Chennai.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

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