



Crl.OP.No.16181 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2022

CORAM

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

Crl.O.P.No.16181 of 2022

Devaraj

...Petitioner

Vs.

State, Rep. by
The Inspector of Police,
K-6 T.P.Chatram Police Station,
Chennai.
Crime No.96 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.96 of 2022 pending investigation on the file of the Respondent Police.

For Petitioner : Mr.V.Purushothaman Reddy

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



Crl.OP.No.16181 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.05.2022 for the offence under Sections 420 and 406 of I.P.C, in Crime No.96 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner projected himself as the owner of the house situated in Anna Nagar and swindled a sum of Rs.11 lakhs as lease amount from the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that there was a money transaction in between the petitioner and the defacto complainant for which, the defacto complainant lodged a false complaint against the petitioner. That apart, the petitioner was arrested and remanded to judicial custody on 21.05.2022. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that the petitioner along with two other accused received a sum of Rs11 lakhs from the defacto



Crl.OP.No.16181 of 2022

complainant as if they leased out his house and after receiving the amount, the petitioner failed to leased out in favour of the defacto complainant. Hence, he vehemently opposed for granting bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner ie., from 21.05.2022, 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 **V Metropolitan Magistrate Court at 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 twice daily at 10.30.a.m., and 05.30 p.m., for a period of four weeks and thereafter as and when required for interrogation;



CrI.OP.No.16181 of 2022

WEB COPY [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.

13.07.2022

Sma



Crl.OP.No.16181 of 2022

WEB COPY

To

1. V Metropolitan Magistrate Court at Egmore,
Chennai
2. The Inspector of Police,
K-6 T.P.Chatram Police Station,
Chennai.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.OP.No.16181 of 2022

G.K.ILANTHIRAIYAN, J.

Sma

Crl.O.P.No.16181 of 2022

13.07.2022