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Crl.O.P.No.21592 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2022

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.21592 of 2022

Kathiravan

... Petitioner

Vs.

The State represented by ,
The Sub-Inspector of Police,
Edappadi Police Station,
Salem.
(Crime No.142/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.142 of 2022 pending
investigation on the file of the Sub-Inspector of Police, Edappadi Police
Station, Salem.

For Petitioner : Mr.R.Subramanian

For Respondent : Mr.C.E.Pratap

Government Advocate (Crl.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.07.2022 for the offences punishable under Section 420 & 379 of IPC, in Crime No.142 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with the other accused had cheated the de-facto complainant, who is innocent and illiterate, had withdrawn a sum of Rs.1,34,000/- from his account, by illegally using his ATM card and its pin number. Hence the complaint.

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 only based on the suspicion. He would also submit that the petitioner was arrested on 14.07.2022 and he has been in custody for more than 55 days. Hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner along with other accused fraudulently cheated the de-facto complainant, who is illiterate and withdrawn a sum of Rs.1,34,000/- from his bank account and converted it into gold. He would further submit that major part of the investigation has been completed and the gold has been recovered from the accused and it has also been handed over to the de-facto complainant. He would also submit that there is no previous case against the petitioner. However, he opposed to grant bail to the petitioner.

5. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent Police and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and taking note of the fact that the investigation has been partially completed and the recovered gold has been returned to the de-facto complainant, this Court is inclined to grant bail to the petitioner.



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7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Edappadi**, 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 every day morning at 10.30 a.m., until further orders;

[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



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in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

08.09.2022

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To

1. The District Munsif cum Judicial Magistrate,
Edappadi.
2. The Sub-Inspector of Police,
Edappadi Police Station,
Salem.
3. The Superintendent,
Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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