



CrI.O.P.No.22117 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2022

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

CrI.O.P.No.22117 of 2022

J.Selvakumar

... Petitioner

Vs.

The State represented by ,
The Sub-Inspector of Police,
Sankar Nagar Police Station.

(Crime No.451/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.451 of 2022 pending
on the file of the respondent Police.

For Petitioner : Mr.M.Manikandhan

For Respondent : Mr.C.E.Pratap
Government Advocate (CrI.side)



Crl.O.P.No.22117 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.08.2022 for the offences punishable under Sections 406 & 420 of IPC, in Crime No.451 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 induced the de-facto complainant to invest money in gold business and pursuant to which, the first accused was parted with a sum of Rs.18 lakhs through bank transaction and the accused have cheated the de-facto complainant by not returning the money as well as the gold jewels, as assured. 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, since there has been a money transaction between the petitioner and the first accused. He would further submit that the first accused had



Crl.O.P.No.22117 of 2022

given an advertisement in the Hindu newspaper on 03.04.2022 to invest in gold jewellery business with an assurance of giving return in the same and believing the same, the petitioner had transferred an amount of Rs.25 lakhs to the account of the first accused. He would also submit that on coming to know that the first accused had cheated the petitioner, he demanded the first accused for return of money and the first accused has given cheque to the same and when it was presented for collection, it was returned. While being so, the respondent has suspected that the petitioner has colluded with the first accused and arrested him on 03.08.2022. He would also submit that the petitioner is ready to submit that documents to show that the petitioner has also been cheated by the first accused. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner accompanied with the first accused induced the de-facto complainant on the promise of giving good return in gold business, cheated him to the tune of Rs.18 lakhs. Hence, he vehemently oppose to grant bail to the petitioner.



Crl.O.P.No.22117 of 2022

WEB COPY

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 the submissions made by the learned counsel for the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

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**, each for a like sum to the satisfaction of the **learned Judicial Magistrate II, Tambaram**, 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;



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CrI.O.P.No.22117 of 2022

[b] the petitioner shall report before the respondent Police everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during 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 abscond, a fresh FIR can be registered under Section 229A IPC.

26.09.2022

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Crl.O.P.No.22117 of 2022

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To

1. The Judicial Magistrate -II,
Tambaram.
2. The Sub-Inspector of Police,
Sankar Nagar Police Station.
3. The Central Prison,
Puzhal - II, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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CrI.O.P.No.22117 of 2022

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CrI.O.P.No.22117 of 2022

26.09.2022