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CrI.O.P.No.22820 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2022

CORAM

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

CrI.O.P.No.22820 of 2022

Kim Jehyeong

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Central Crime Branch, Avadi.

(Crime No.12 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in connection
with the Crime No.12 of 2022 on the file of the respondent Police.

For Petitioner : Mr.S.Rajendra Kumar
for Mr.Govind Chandrasekhar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.08.2022 for the alleged offences punishable under Sections 406 & 420 of IPC, in Crime No.12 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the de-facto complainant, who is the Managing Director of the KEPL Engineering Private Limited, is that the accused, who has engaged them as Sub-contractor to do electrical work and had also purchased electrical items from the de-facto complainant cheated him to the tune of Rs.5,02,71,755/- and when the de-facto complainant has demanded him to pay the money, the petitioner had threatened him with gun. Hence the case.

3. The learned counsel appearing for the petitioner would submit that a case of commercial transaction between the petitioner and the de-facto complainant has been falsely projected as a case of criminal breach of trust and cheating. He would further submit that the de-facto complainant has



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earlier filed a suit in C.S.No.400 of 2020 before this Court and thereafter, the matter has been settled out of court and the suit has been dismissed as withdrawn, whereas the de-facto complainant suppressing the same, filed the present complaint for obvious reasons. He would also submit that the petitioner's passport has also been seized by the respondent Police, therefore, there is no possibility for the petitioner to escape from the clutches of law. He would further state that the petitioner has filed a petition before this Court in Crl.O.P.No.20398 of 2022 to quash the First Information Report and this Court by an order dated 01.09.2022 has granted an interim stay of further proceedings in Crime No.12 of 2022, pending on the file of the respondent Police. 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 had engaged the services of the de-facto complainant in doing electrical work as a Sub-Contractor and had also purchased the electrical items and later, cheated the de-facto complainant to the tune of Rs.5,02,71,755/- and he had also intimidated the de-facto complainant by showing gun. He would further submit that the petitioner is a South Korean National and there is a possibility to him to



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escape from the clutches of law. Hence, he vehemently opposed to grant bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case that this Court has granted a stay of all further proceedings of the First Information Report and taking note of the fact that the passport of the petitioner has also been seized by the respondent Police, 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 I, Poonamallee**, and on further conditions that:



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[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, everyday at 10.30 a.m. for a period of four weeks and thereafter, every Saturday at 10.30a.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 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.

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To

1. The Judicial Magistrate I, Poonamallee.
2. The Inspector of Police,
Central Crime Branch, Avadi.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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