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Crl.O.P.No.23688 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2022

CORAM

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

Crl.O.P.No.23688 of 2022

R.Chandirasekaran

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Vadalur Police Station,
Cuddalore District.

Crime No.446 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.446 of 2022 on the file
of the Inspector of Police, Vadalur Police Station, Cuddalore District.

For Petitioner : Mr.C.Munusamy

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 23.08.2022 for the offences punishable under Sections 120(B), 406, 420 and 508 of IPC, in Crime No.446 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner along with the other accused in the guise of Sivanadiyars entered into the house of the de-facto complainant and had told him that his time is bad and in order to conduct Pooja, they have demanded an amount of Rs.45,000/- and that the de-facto complainant was not having the said amount, he had paid only a sum of Rs.3,000/- to them. Later, on finding that they are not Sivanadiyars, the de-facto complainant had lodged a complaint before the respondent Police.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person, aged about 69 years and due to



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obvious reasons, a false complaint has been given as against the petitioner and he is in custody from 23.08.2022. He would also submit that the co-accused in this case have been granted with bail by this Court in Crl.O.P.No.22511 of 2022 vide order dated 21.09.2022 and therefore, he prays for grant of bail to the petitioner.

4. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with the other accused, have projected themselves as Sivanadiyars and in the guise of helping the de-facto complainant in conducting Pooja, they cheated the de-facto complainant and taken an amount of Rs.3,000/- from him. He would also submit that the investigation is pending. Therefore, he vehemently opposed to grant bail to the petitioner.

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



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6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel that the co-accused have been granted with bail by this Court and also considering the age of 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 separate 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 District Munsif cum Judicial Magistrate, Kurinjipadi**, 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, everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30a.m., until further orders;

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

28.09.2022

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To

1. The District Munsif cum Judicial Magistrate,
Kurinjipadi.
2. The Inspector of Police,
Vadalur Police Station,
Cuddalore District.
3. The Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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