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Crl.O.P.No.23995 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2022

CORAM

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

Crl.O.P.No.23995 of 2022

Dinesh Karthik @ Karthik Raj

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
J-2, Adaiyar Police Station,
Chennai District.
(Crime No.145 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.145 of 2022, pending
on the file of the respondent Police.

For Petitioner : Mr.P.Muthamizhselvakumar

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 12.08.2022, for the offences punishable under Sections 406 & 420 of IPC and 66C, 66 D of IT Act, in Crime No.145 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant, Sankar is that he has given advertisement in the matrimony website for his sister's daughter, Abhirami, who has completed M.B.B.S, M.D. The petitioner who is not a Doctor by profession, seeing the advertisement has projected himself as a Doctor and agreed for the marriage. During the proposal period, he had received a sum of Rs.12,25,000/- from the defacto complainant's niece and cheated her. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely trapped into this case. He would also submit that there was relationship between the petitioner and the defacto complainant's niece, who is a Doctor by profession. He would



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also submit that the defacto complainant's family, who were against the relationship, have foisted a case against the petitioner as if the petitioner had taken money from her and cheated her. He would further submit that they were in a relationship and during such time, there was transfer of gifts between each other and now it has been projected as if the petitioner had cheated her. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner had projected himself as Doctor and had proposed for marriage with the defacto complainant's niece, who is a Doctor by profession and that during the proposal period, he has received a sum of Rs.12,25,000/- from her and cheated the defacto complainant's niece. He would also submit that an amount of Rs.98,000/- has been recovered from the petitioner. Therefore, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned



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Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and that the petitioner is in custody from 12.08.2022 and that there are no previous cases as against the petitioner for the present, this Court is inclined to grant bail to the petitioner with certain conditions.

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 IX Metropolitan Magistrate, Saidapet**, 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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[b] the petitioner shall report before the respondent Police, daily at 10.30 a.m., and 05.30 p.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 IX Metropolitan Magistrate , Saidapet.
- 2.The Inspector of Police,
J-2, Adaiyar Police Station,
Chennai.
3. The Sub Jail, Saidapet.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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