



Crl.OP.No.24433 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2022

CORAM

THE HON'BLE MR. JUSTICE **SATHI KUMAR SUKUMARA KURUP**

Crl.OP.No.24433 of 2022

Santhosh

...Petitioner

Vs.

State represented by
The Inspector of Police,
M3 Puzhal Police Station.
(Crime No.717 of 2022)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the Accused/Petitioner on bail in Crime No.717 of 2022
on the file of the Inspector of Police, M3 Puzhal Police Station, Chennai.

For Petitioner :Mr.M.Velmurugan

For Respondent :Mr.S.Raja Kumar
Additional Public Prosecutor



CrI.OP.No.24433 of 2022

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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 26.08.2022 for the offences punishable under **Section 406, 420 of the Indian Penal Code** in Crime No.717 of 2022 on the file of the respondent police, seek bail.

2. The Case of the Prosecution is that, the petitioner and the Defacto Complainant are friends. Based on the representation made by the Petitioner that he has order in the EB contract work, the petitioner had borrowed totally as sum of Rs.32,00,000/- on various dates between April 2021 to August 2021 through online mode by cash. When the Defacto Complainant asked for repayment, the Petitioner refused to repay the amount and thereby cheated him. Hence, the case.

3. The Learned Counsel for the Petitioner submitted that the Petitioner is an innocent person and that he did not commit any offence as alleged by the prosecution. Hence, he prays for grant of bail to the Petitioner.



CrI.OP.No.24433 of 2022

4. The learned Additional Public Prosecutor vehemently opposed for granting bail stating that the Petitioner had cheated the Defacto Complainant to the tune of Rs.32,00,000/-.

5. Considering the submissions made by the Learned Counsel for the Petitioner and the objections made by the Learned Additional Public Prosecutor, this Court is inclined to grant bail to the Petitioner with the following conditions.

6. Accordingly, the Petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of the **Learned District Munsif Cum Judicial Magistrate, Madhavaram**. Further, one of the sureties shall be a blood relative.

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned District Munsif Cum Judicial Magistrate, Madhavaram shall obtain a copy of their Identity Card, Aadhar Card, or Voter Identity Card or Driving Licence or PAN Card or Bank Passbook with Photo affixed and attested by the Bank Manager as proof of Identity.

(b) the Petitioner shall report before the Respondent



CrI.OP.No.24433 of 2022

Police daily at 10.00 a.m., until further orders.

(c) the Petitioner shall not influence, threaten or coerce the witness either during investigation or trial;

(d) the Petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(g) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

06.10.2022

Sma/Shk



CrI.OP.No.24433 of 2022

To

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1. District Munsif Cum Judicial Magistrate,
Madhavaram.
2. The Inspector of Police,
M3 Puzhal Police Station.
3. Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras



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Crl.OP.No.24433 of 2022

SATHI KUMAR SUKUMARA KURUP., J.

Sma/Shk

Crl.O.P.No.24433 of 2022

06.10.2022