



Crl.O.P.No.24798 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2022

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

Crl.O.P.No.24798 of 2022

N.Gowtham

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Poonamallee.

(Crime No.06/2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.06
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.Raja

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

For Intervener : Mr.Suresh



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 18.08.2022, for the offences punishable under Sections 376, 417, 406, 420, 506(2) 120 (B) of IPC r/w 34 of IPC, in Crime No.06 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant is that she is a divorcee and she has registered for re-marriage at divorcee matrimony website and at the time, the first accused proposed the de-facto complainant for alliance and while the discussions were going on, the first accused received a sum of Rs.50 lakhs as cash and 50sovereigns of jewels and thereafter, on the false promise of marrying her, committed sexual intercourse with her and later cheated her. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case, since he happens to be the cousin of the first accused. He would further submit that this is the second bail application before this Court. He would



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further submit that other than receiving the amount of Rs.14 lakhs in his account, the petitioner has no other transaction with him. He would also submit that the petitioner himself is a victim of the main accused. The learned counsel would submit that the petitioner has already pledged his property and paid a sum of Rs.18 lakhs to the main accused and the above said amount has been returned to him as a repayment in an earlier occasion and other than that, the petitioner does not know anything. He would further submit that the petitioner is in custody in 18.08.2022 and he would also submit that without prejudice to his defence, the petitioner is ready to deposit a sum of Rs.5,00,000/- to the credit of the Crime Number. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent has filed the detailed counter filed by the respondent. He would submit that the petitioner, who is arrayed as A4 in this case, is a cousin of the main accused. He would further submit that the first accused has the modus of cheating the divorcees and widows, who are ready for second marriage. He would further submit that he used to advertise in online and in newspaper and approached them and by promising to marry them, has received an



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amounts to the value of several lakhs from several persons and cheated them.

He would also submit that the other accused, who are the relatives of the first accused are aware of the activities of the first accused and having known his activities, they have abetted and supported him. He would further submit that the petitioner is not a stranger to the first accused and there are 7 previous cases of similar nature pending as against the first accused and in none of the cases, the amounts have been recovered and he would also furnish the details of all the cases. He would also submit that the investigation is in initial stage and hence, he vehemently oppose for grant of bail to the petitioner.

5. The learned counsel for the Intervener would submit that the petitioner is none other than the cousin of the first accused and he is well aware of the criminal activities of the first accused as well as his mother and uncle, who had abetted the first accused in all his fake marriages.

6. In reply, the learned counsel for the petitioner would submit that the seven previous cases are pending only against the first accused and the petitioner is an unfortunate cousin who has been roped in this case and he would reiterate that without prejudice to his defence and to show his



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bonafide, the petitioner is prepared to deposit a sum of Rs.5,00,000/- to the credit of the Crime Number. Hence, he prays for grant of bail to the petitioner.

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

8. Taking into consideration the facts and the submissions made by the learned counsel for the petitioner, the period of incarceration undergone by the petitioner and also taking note of the fact that the petitioner, without prejudice to his defence, is ready to deposit a sum of Rs.5,00,000/- to the credit of Crime Number, this Court is inclined to grant bail to the petitioner.

9. Accordingly, the intervening application in Crl.M.P.No.15744 of 2022 is ordered and 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



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the learned Judicial Magistrate - I, Poonamallee, and on further conditions that:

[a] the petitioner is directed to make a deposit of **Rs.5,00,000/- (Rupees five lakhs only) to the credit of the Crime Number**, without prejudice to his rights and contentions before the Court concerned, at the time of furnishing sureties;

[b] 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;

[c] 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;**

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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



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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]**;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC;

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To

1. The Judicial Magistrate No.I, Poonamallee.
2. The Inspector of Police,
All Women Police Station,
Poonamallee.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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