



Crl.O.P.No.25567 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM

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

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Gajendiren

... Petitioner

Vs.

The State rep by
The Inspector of Police,
S11, Tambaram Police Station,
Chengalpet District.
(Crime No.648 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the bail to the petitioner in connection with Crime No.648
of 2022 on the file of the respondent police.

For Petitioner : Mr.M.Jagadeesan

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

For Intervenor : Mrs.K.Annamma



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.09.2022, for the offences punishable under Sections 406, 420 & 506(i) of IPC, in Crime No.648 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that he has engaged in the business of selling laptops, the accused induced him and had purchased the laptops worth about Rs.39,38,000/- and had cheated the defacto complainant by refusing to pay the amount.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he is arrayed as A2 in this case. He would further submit that the petitioner has been falsely implicated in this case, since, he happens to be the friend of A1. He would also submit that a case of commercial transaction between A1 and the de-facto complainant has been falsely projected as a case of criminal breach of trust and cheating and the



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defacto complainant had attempted to recover the money by using Police force illegally. He would also submit that without prejudice, the petitioner to show his bonafides, is prepared to deposit original title deeds of documents of immovable property worth Rs.25 lakhs belonging to himself or family members or friends, at the time of furnishing the sureties. He would also state that A1 in this case, who has been similarly placed as that of the petitioner, has been granted bail by this Court in Crl.O.P.No.23982 of 2022 on 11.10.2022. 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 accused had induced the defacto complainant and purchased the laptops worth about Rs.39,38,000/- and later cheated him. He would further submit that there is one previous case pending against him. Therefore, he vehemently opposed to grant bail to the petitioner.

5. The learned counsel for the intervener/defacto complainant would submit that the petitioner had induced the defacto complainant and purchased some laptops worth about Rs.39,38,000/- and later cheated him by refusing to



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pay the amount. Therefore, she vehemently opposed to grant bail to the petitioner.

6. Heard the learned counsel and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and also taking note of the fact that the petitioner is ready to deposit original title deeds of the immovable property worth Rs.25 lakhs belonging to himself or family members or friends, at the time of furnishing the sureties, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on him depositing original title deeds of an immovable property worth Rs.25,00,000/-(Rupees Twenty Five Lakhs only), belonging to himself, family members or friends and on him executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Tambaram**, 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 daily at 10.30 a.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.

20.10.2022

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To

- 1.The Judicial Magistrate No.1, Tambaram.
2. The Inspector of Police,
S11, Tambaram Police Station,
Chengalpet District.
3. The Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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