



Crl.O.P.No.25545 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM

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

Crl.O.P.No.25545 of 2022

K.Moorthy

... Petitioner

Vs.

State Represented by
Inspector of Police,
R3 Ashok Nagar Police Station,
Chennai - 83.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in connection with Crime No.258 of
2022 on the file of R3 Ashok Nagar Police Station, Chennai.

For Petitioner : Ms.A.Thulsath Begum

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 28.09.2022 for the offences punishable under Sections 465, 468 and 471 of IPC, in Crime No.258 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant, HDFC Bank Limited is that the accused attempted to withdraw money based on a fabricated cheque. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. She would further submit that even as per prosecution, there was only an attempt by the accused to withdraw the amount based on the fabricated cheque. She would also submit that there was no loss caused to the bank and that the petitioner is in custody from 28.09.2022. She would also state that the respondent have not taken police custody of the petitioner and further judicial custody of the petitioner may not be required. She would



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further state that the petitioner is prepared to abide by any stringent conditions that may be imposed by this Court and he is also ready to furnish adequate security for his release on bail. Therefore, she prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner along with the other accused attempted to defraud the bank based on the fabricated cheque. Therefore, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record.

6. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and that no loss has been caused to the bank and the period of incarceration suffered by the petitioner and also the fact that there are no previous cases as against the petitioner, this Court is inclined to grant bail to the petitioner.



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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 XVII Metropolitan Magistrate, Saidapet, Chennai**, 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 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



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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

rgi/adl

To

1. The XVII Metropolitan Magistrate, Saidapet, Chennai.
2. The Inspector of Police,
R3 Ashok Nagar Police Station,
Chennai - 83.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

rgi/adl

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