



Crl.O.P.No.25480 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.25480 of 2022

Vijayakumar P.Patel

... Petitioner

Vs.

State rep. by,
The Inspector of Police,
Thazhambur Police Station,
CCB, Thambaram City.
(Crime No.119 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail in Crime No.119 of 2022 on the file
of the respondent Police.

For Petitioner : Mr.V.Sambamurthy

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 25.08.2022, for the offences punishable under Sections 409, 420, 465, 467, 471 r/w 120(B) of IPC, in Crime No.119 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused joined together in the guise of arranging loan to the defacto complainant had by fabrication of documents cheated the defacto complainant to the tune of Rs.6.25 Crores. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is a business man and the other accused in the guise of business transactions, have transferred a sum of amount to the account of the petitioner, whereas the prosecution has wrongly fixed the petitioner in this case. He would also submit that the petitioner was receiving an amount in his account only by way of business transactions and he has nothing to do with the role played by the other accused. He would further submit that the



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petitioner is in custody for the past 56 days. He would also state that the petitioner is a business man having permanent roots at Gujarat and that he is prepared to abide by any stringent conditions and also ready to furnish sufficient sureties for his release on bail. He would further state that the account of the petitioner with an amount of Rupees 6 crores has been freezed by the respondent police. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner is also a member of the gang involved in loan frauds. He would also submit that the account of the petitioner has been freezed with an amount of Rupees 6 crores. Therefore, he vehemently opposed to grant bail to the petitioner.

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



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6. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and also the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner.

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 Judicial Magistrate II, Chenglepet**, 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., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders;

[c] the petitioner shall also furnish proof of permanent residence;

[d] the petitioner shall not abscond either during



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investigation or trial;

[e] the petitioner shall not tamper with evidence or witness 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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To

1. The Judicial Magistrate II,
Chenglepet.
2. The Inspector of Police,
Thazhambur Police Station,
CCB, Tambaram City.
3. The Sub Jail, Chenglepet.
4. The Public Prosecutor,
High Court of Madras.



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