



Crl.O.P.No.26172 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2022

CORAM

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

Crl.O.P.No.26172 of 2022

Vasanthakumar

... Petitioner

Vs.

The State by Inspector of Police,
District Crime Branch Police,
Villupuram.

(Crime No.31 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail in relating to the case registered in
Crime No.31 of 2022 on the file of the Respondent.

For Petitioner : Mr.C.Munusamy

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 19.09.2022 for the offences punishable under Sections 406, 420, 294(b) and 506(ii) of IPC in Crime No.31 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the Prosecution is that the petitioner under the guise of obtaining job to the defacto complainant in Railway Department, had received a sum of Rs. 7 lakhs from him. Thereafter, the petitioner neither obtained job nor returned the money and thereby cheated the defacto complainant to the tune of Rs.7 lakhs. Hence, the case.

3. The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent person and he is an Ex-Army man and he is running a training center for poor and downtrodden in the name and style of Sai Academy Military Training Centre at Sathyamangalam, Gingee, Taluk. He would further submit that there was a money dispute between the



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petitioner's father and the defacto complainant, due to which, false complaint has been lodged. He would also submit that the petitioner is in custody from 19.09.2022 and would further submit that the petitioner is a man of means and to show his bonafide, the petitioner is ready to deposit the original title deeds of the immovable property worth about Rs.7 lakhs either belonging to himself or family members or friends, at the time of executing the sureties; and hence, 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, under the guise of running a training center had induced the defacto complainant and received a sum of Rs. 7 lakhs and thereafter he neither secured job nor returned the money He would also submit that the investigation is pending and hence, he oppose to grant bail to the petitioner.

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



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6. Taking into consideration the facts and the submissions made by the learned Counsel for the petitioner and also considering the period of incarceration undergone by the petitioner and also considering the undertaking given by the petitioner that he is ready to deposit the original title deeds of the immovable property worth about Rs.7 lakhs either belonging to himself or family members or friends, at the time of executing the sureties, 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, Gingee** and on further conditions that:

[a] the petitioner shall deposit the original title deeds of the immovable property worth about Rs.7 lakhs either belonging to himself or family members or friends to the credit of crime number at the time of executing the sureties;

[b] the sureties shall affix their photographs and



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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 on every Saturday at 10.30.a.m., until further orders;

[d] the petitioner shall not abscond either during 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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A.D.JAGADISH CHANDIRA,J.

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To

1. The Judicial Magistrate,
Gingee.
2. Inspector of Police,
District Crime Branch Police,
Villupuram.
3. Sub Jail,
Gingee.
4. The Public Prosecutor,
High Court of Madras.

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