



CrI.O.P.No.27346 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2022

CORAM

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

CrI.O.P.No.27346 of 2022

Senthamizh Pandiyan @ Pandiyan

... Petitioner

Vs.

The State represented by
The Inspector of Police,
CCD – II Police Station,
Cuddalore District.

(Crime No.44/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending investigation in connection
with the Crime No.44 of 2022 on the file of the respondent Police.

For Petitioner : Mr.S.Ramkumar

For Respondent : Mr.C.E.Pratap
Government Advocate (CrI.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 419 and 420 of IPC and 66D of IT Act, in Crime No.44 of 2022 on the file of the respondent Police, seeks bail.

2.The case of the prosecution as per the defacto complainant Vasu is that he got acquainted with one Pandiyan through Facebook and the said Pandiyan had induced him in the guise of giving promise and an assurance of obtaining a job in abroad, received a sum of Rs.1,00,000/- and his passport from him and later, cheated him. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been arrested only based on the mistaken identity. He would further submit that the petitioner's name is Senthamizh Pandiyan and he has no connection with the said Pandiyan. He would further submit that the petitioner was arrested on 28.09.2022 and he is in custody for the past 50 days, thereby he seeks for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with other accused induced the defacto complainant and several other gullible victims in the guise of getting jobs in abroad and received a huge amount from them and cheated them. As far as the defacto complainant is concerned, the accsued have received a sum of Rs.1,00,000/- from him. He would further submit that the most of victims are from Kerala. He would also submit that as far as this petitioner is concerned, he has also got previous case before the Madurai Bench of this High Court. However, he opposed to grant bail to the petitioner.

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

6.Taking into consideration the facts and submissions of the learned counsel and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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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, in which, one surety should be a blood surety**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.III, Cuddalore** 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 respond to Police daily at 10.30 a.m., and 5.30 p.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]**;



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[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

14.11.2022

vkf

To

- 1.The Judicial Magistrate No.III,
Cuddalore.
- 2.The Inspector of Police,
Cuddalore Police Station,
CCD – II District.
- 3.The Central Prison,
Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

vkr

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