



Crl.O.P.No.27486 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2022

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

Crl.O.P.No.27486 of 2022

Santhana Krishnan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kallakurichi Police Station,
Kallakurichi.

(Crime No.454 of 2022)

... Respondent

Prayer: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in Crime
No.454 of 2022 on the file of the respondent Police.

For Petitioner : Mr.Deepan Uday

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 09.10.2022, for the offences punishable under Sections 294(b), 506(ii), 420 IPC @ 120(B), 294(b), 506(ii), 420 IPC, in Crime No.454 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant/Mohammad Sultan, is that the accused by stating that they are engaged in money doubling business, had induced the de-facto complainant to deposit a sum of Rs.25,00,000/- and received a sum of Rs.3,43,000/- through bank transaction on 22.08.2022 and the balance amount by way of cash and later, cheated him. The further allegation is that when the de-facto complainant had demanded the amount, the accused threatened him that they will do away with him. Hence the case.

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. He would further submit that even as per the complaint given by



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the de-facto complainant, he stated to have been working in a supermarket for the past 6 months and he had only paid a sum of Rs.3,43,000/- through bank transaction and the other transactions were made only by way of cash. He would also submit that the petitioner is in custody from 09.10.2022 and the major part of the investigation is over. 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, who is arrayed as A3 in this case, along with the other accused have induced the de-facto complainant and made him to deposit Rs.25 lakhs under the guise of doubling the amount and cheated him. He would also submit that there is no previous case as against the petitioner. He would further submit that though the petitioner is a native of Kerala, he has given a address at Mettupalayam, whereas it is a false address. Hence, he would oppose for grant of bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner would submit that the though the petitioner is a native of Kerala, has a permanent



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address at Coimbatore and to show his bonafide, he is also prepared to deposit original title deeds of documents having guideline value of Rs.10lakhs to the credit of crime number. Therefore, he prays for grant of bail to the petitioner.

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

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also considering the fact that the petitioner is volunteered to deposit original title deeds having guideline value of Rs.10 lakhs to the credit of the crime number, this Court is inclined to grant bail to the petitioner.

8. Accordingly, **the petitioner is directed to deposit the original title deeds having guideline value of Rs.10 lakhs to the Credit of Crime No.454 of 2022**, without prejudice to his rights and contentions before the



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trial Court and on such deposit, 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** (out of which one surety should be a blood related surety and should produce document to show his/her means), each for a like sum to the satisfaction of the **learned Judicial Magistrate-I, Kallakurichi**, and on further conditions that:

[a] the petitioners shall produce the proof for their permanent residence before the learned trial Judge concerned;

[b] 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;

[c] the petitioner shall report before the respondent Police, everyday 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



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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.

14.11.2022

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To

1. The Judicial Magistrate - I
Kallakurichi.
2. The Inspector of Police,
Kallakurichi Police Station,
Kallakurichi.
3. The Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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