



Crl.O.P.No.27995 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2022

CORAM

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

Crl.O.P.No.27995 of 2022

Prabakaran

... Petitioner

Vs.

State represented by,
The Inspector of Police,
District Crime Branch,
Thiruvallur District.

(Crime No.56 of 2022)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in Crime No.56
of 2022, on the file of the respondent Police.

For Petitioner : Mr.K.Sadhananthan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

For Intervener : Mr.N.Ponraj



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.10.2022, for the offences punishable under Sections 406, 420, 506(i) and 120(B) of IPC, in Crime No.56 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant/Giribabu is that he got acquainted with one Yamini(A1) during daily routine train travel. Due to friendship they become close and A1 has informed that she is a Doctor and she is building a hospital in Ponneri and had induced the de-facto complainant stating that the canteen would be constructed in the hospital and he would be made as the owner of the canteen and on believing the same, the de-facto complainant had handed over the amount of Rs.19,03,000/- on several dates to the accused. Thereafter, on one day, when the de-facto complainant had gone to Ponneri, no hospital construction was found thereby, he had asked for return of money whereas A1 along with her family members refused to return the same and intimidated



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him that if he demanded the money, he will be done to death. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner, who is arrayed A3 is an innocent person and he has been implicated in this case since, he happens to be the brother of the main accused, Yamini. He further submitted that there was a relationship between the de-facto complainant and A1, pursuant to which, there were financial transaction between them and now the case has been projected as if A1 had induced the de-facto complainant and cheated the money. He also stated that the entire family members are roped in in this case and the petitioner is in custody for more than a month, hence, he prays for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) submitted that the petitioner (A3) is the brother of the main accused. He further submitted that the de-facto complainant become acquainted with the main accused, while they were routinely traveling in a train, pursuant to which, the main accused had induced the de-facto complainant stating that she is a Doctor and she has



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been constructing a hospital at Ponneri and told him that he would be made as the owner of the canteen in the hospital, believing the same, he had parted an amount of Rs.19,03,000/- to the accused on several occasions and later, it was found that the accused have not built any hospital and they have cheated him. He further stated that when the de-facto complainant asked the accused to return his money, the accused had intimidated him stating that he will done to death. Hence, he opposed to grant bail to the petitioner.

5. Learned counsel for the Intervener vehemently opposed to grant bail to the petitioner stating that the petitioner is the brother of the main accused and based on the inducement made by the main accused, the de-facto complainant, who is working in a five star hotel had handed over an amount of Rs.4,30,000/- to the petitioner in person and when the de-facto complainant asked to return the same, he was intimidated by the accused that he will done to death.

6. Heard both the learned counsel for the petitioner and the



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intervener 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 period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

8. 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 - I, Ponneri**, 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



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respondent Police, everyday 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 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.

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To

1. The Judicial Magistrate - I,
Ponneri.
2. The Inspector of Police,
District Crime Branch,
Thiruvallur District.
3. The Sub Jail,
Ponneri.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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