



Crl.O.P.No.28978 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2022

CORAM

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

Crl.O.P.No.28978 of 2022

1. Nusairul Kareem

2. Ashique Rahman

... Petitioners

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 petitioners on bail pending investigation in Crime
No.454 of 2022 on the file of the respondent Police.

For Petitioners : Mr.T.Padmanabhan

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



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ORDER

The petitioners, who was arrested and remanded to judicial custody on 08.10.2022, for the offences punishable under Sections 294(b), 506(ii), 420 IPC @ 294(b), 506(ii), 420, 120(B) 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 petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that even as per the complaint given by the



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de-facto complainant, he is 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 further stated that even as per the First Information Report, the amount are stated to have been transferred to the account of A3, whereas he has been granted bail in Crl.O.P.No.27486 of 2022 vide order dated 14.11.2022. He also submitted that the petitioners are in custody from 08.10.2022 and the major part of the investigation is over. Hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioners, who are arrayed as A1 & A2 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 also submitted that there is no previous case as against the petitioners and they are native of Kerala. Hence, he oppose for grant of bail to the petitioners.



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5. At this juncture, the learned counsel for the petitioners would submit that though the petitioners are native of Kerala, they are having a permanent address at Kerala and to show their bonafide, they are also prepared to produce proof of permanent residence before the Court concerned. Therefore, he prayed to grant bail to the petitioners.

6. Heard the learned counsel for the petitioners 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 petitioners are volunteered to deposit their original passport, this Court is inclined to grant bail to the petitioners.

8. Accordingly, **the petitioners are directed to deposit their original passport before the learned Judicial Magistrate-II, Kallakurichi**, without prejudice to their rights and contentions before the



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trial Court and on such deposit, the petitioners are ordered to be released on bail on their executing a separate 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-II, 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 petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[d] the petitioners shall not abscond either during investigation or trial;

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

30.11.2022

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To

1. The Judicial Magistrate - II
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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