



Crl.O.P.No.29425 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2022

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

Crl.O.P.No.29425 of 2022

Subash

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
R.5, Virugambakkam Police Station,
Chennai.
(Crime No.710 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.710 of 2022 on the file of the respondent Police.

For Petitioner : Mr.R.Sankarasubbu

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



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executed the necessary documents with regard to the same, however due to some loss in the business, he was unable to repay the amount and thereby, a false complaint was given by the de-facto complainant, as if the petitioner along with A1 have induced him to invest money in a finance scheme. He also stated that A1 in this case has been granted anticipatory bail in Crl.O.P.No.27492 of 2022 vide order dated 11.11.2022. He also submitted that the petitioner is in custody from 03.11.2022, hence, he prays for grant of bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioner along with the other accused had induced the de-facto complainant in the guise of giving fanciful returns, and on believing the same, the de-facto complainant had invested Rs.15 lakhs. He further submitted that the accused had returned Rs.2.5 lakhs to the de-facto complainant and has failed to repay the balance amount. He also stated that the petitioner there is no previous case as against the petitioner, however, he oppose for grant of bail to the petitioner.



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

6. 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 co-accused has been granted anticipatory bail by this Court, 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 XXIII Metropolitan Magistrate, Saidapet, Chennai**, 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;



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[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required;

[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.

30.11.2022

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To

1. The XXIII Metropolitan Magistrate,
Saidapet, Chennai.
2. The Inspector of Police,
R.5, Virugambakkam Police Station,
Chennai.
3. The Central Prison,
Puzhal-II, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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