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Crl.O.P.No.31769 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.12.2022

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

Crl.O.P.No.31769 of 2022

Akash,
S/o.Chitrarasu

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Guduvanchery Police Station,
Chengalpattu.
(Crime No.416 of 2022)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.416 of 2022 pending on the file of respondent police.

For Petitioner : Ms.M.Surekha

For Respondent : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl.Side.)

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 05.11.2022 for the alleged offence under Sections 341, 307, 506(ii) I.P.C. and subsequently it was altered into Sec.341, 302, 506(ii) of I.P.C. in Crime No.416 of 2022 on the file of the respondent police, seeks bail.

2. The case of prosecution is that due to the inducement of one Vijayalakshmi, who is relative of the defacto complainant and believing the words to get higher interest, her husband invested a sum of Rs.13 lakhs into a GAT company, which was run by Ezhilarasan, but they failed to do so and also not repaid the amount. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that he is no way connected with the offence and he has not at all committed any of offence as alleged by the respondent police. He would submit that he has been falsely implicated in this case and he will abide by any condition imposed by this court. He would further submit that the investigation is almost completed and that the petitioner has been



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suffering incarceration for more than 47 days from 05.11.2022. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, there are 12 accused and the petitioner is arrayed as A11. He would submit that A1 and A2 were granted bail. He would submit that by giving false promise to give higher interest, husband of defacto complainant invested a sum of Rs.13 lakhs in a GAT company, but they failed to pay it and also not repaid the amount. He would submit that that if he is released on bail, he would tamper the witnesses and hamper the investigation and the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances, and also considering the fact that the investigation almost completed and considering the nature of offence committed by the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following



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conditions:

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6. Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the **learned Judicial Magistrate No.2, Chengalpattu**, and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m. for the period of three months ;

(c) the petitioner shall not commit any offences of similar nature;

(d) the petitioner shall not abscond either during investigation or trial;

(e) the petitioner shall not tamper with evidence or



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witness either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial 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];

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

23.12.2022

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To

1. The Judicial Magistrate No.2, Chengalpattu.
2. Inspector of Police,
Guduvancherry Police Station, Chengalpattu.
3. The Superintendent of Prison,
Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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