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Crl.O.P.No.2364 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.02.2023

CORAM :

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

Crl.O.P.No.2364 of 2023

Senthilkumar,
S/o.Venkatesan

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
District Crime Branch,
Vellore Dt., Vellore.
(Crime No.14 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.14 of 2022 pending on the file of respondent police.

For Petitioner : Mr.G.Saravanan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.11.2022 for the alleged offence under Sections 406, 420 and 506(i) of I.P.C. in Crime No.14 of 2022 on the file of the respondent police, seeks bail.

2. The case of prosecution is that A1 borrowed a sum of Rs.1 lakh from the defacto complainant assuring that she will give 5% interest on the amount by investing the same on the purchase of gold, for which, she executed a Promissory note and issued a cheque for the due repayment of amount. Likewise, she has totally borrowed a sum of Rs.33,00,000/- from several persons, but she has not paid the interest as assured by her, thereby she had cheated them. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that he is a landlord, except that, he has no other relation with A1, who is tenant under him. Hence, the entire allegation is false, vindictive, wanton and



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he is no way connected with the offence. He would submit that he has not at all committed any of offence as alleged by the respondent police and he has been falsely implicated in this case and he will abide by any condition that may be imposed by this court. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration beyond 60 days from 22.11.2022. 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 two accused involved in this case and the petitioner is arrayed as A2. He would submit that this petitioner had accompanied with A1 and collected the amount of Rs.33 lakhs from innocent Ex-Army person and also from more than 12 victims. 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.



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5. Considering the above facts and circumstances, and also considering the fact that the petitioner is a landlord except that he has other relation with A1, who is a tenant under him and the investigation almost completed and the fact that the property was recovered 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 conditions:

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, **in which one surety must be a blood surety**, for a like sum to the satisfaction of the **learned Judicial Magistrate-I, Vellore, Vellore Dt**, 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;



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

(c) the petitioner shall deposit a original title deed worth about more than a sum of Rs.5,00,000/- in crime No.14 of 2022 before the concerned Magistrate;

(d) the petitioner shall file an undertaking affidavit stating that he would not create any encumbrance over the property attached in Crime No.14 of 2022 till the disposal of trial;

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

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

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) 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



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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];

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

02.02.2023

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To

1. The Judicial Magistrate-I,
Vellore, Vellore Dt
2. Inspector of Police,
District Crime Branch,
Vellore.
3. The Superintendent of Prison,
Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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