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CrI.O.P.No.5202 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2023

CORAM

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

CrI.O.P.No.5202 of 2023

1. Anilkumar

2. Gagandeep Bhargav

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
S-2, Airport Police Station,
Chennai.

(Crime No.03 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners on bail, in connection with the Crime No.03
of 2023, pending investigation on the file of the respondent Police.

For Petitioners : Mr.R.Muthukumar

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



CrI.O.P.No.5202 of 2023

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ORDER

The petitioners, who were arrested and remanded to judicial custody on 20.01.2023, for the alleged offence punishable under Section 420 of IPC, in Crime No.03 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the *de-facto* complainant is that she is studying Twelfth standard and she was in love with one Rohith, who is also studying Twelfth standard and they had a break up, thereby, they did not contact each other, so the de-facto complainant had missed him and she wanted to get him back, thereby, she contacted the website on October 20 to 25th to bring back her ex-boy friend. While so, one Arjun Shashtri had contacted her from 8306923578 and introduced one Anil Kumar @ Guruji, to find out her ex-boy friend. Thereafter, the said guruji had directed the de-facto complainant to hand over the gold jewels to one business man at Chennai Airport (Domestic) and based on his direction, she handed over the 40 sovereigns of gold which was taken from her house. Later on 11.12.2022, the de-facto complainant's mother came to know about the



Crl.O.P.No.5202 of 2023

missing of the gold jewels, she had informed her mother that she had only taken the jewels from their house and on the inducement of the accused, had handed over to them. Hence the case.

3. 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 the fact remains is that there was a financial dispute between the petitioners and the mother of the de-facto complainant, due to which, a false complaint has been given against the petitioners. He further submitted that originally, enquiry was conducted in C.S.R.No.150 of 2022 and later the First Information Report was filed. He further submitted that the first petitioner has to return a sum of Rs.5 lakhs and 56 grams of gold and the second petitioner has to repay a sum of Rs.3.5 lakhs and that is the reason for dispute. He also stated that during the course of investigation, Rs.5 lakhs of cash and 56 grams of gold were recovered from the first petitioner and a sum of Rs.3.5 lakhs of cash has been recovered from the second petitioner. He further submitted that the petitioners have no objection in the amount being returned to the de-facto complainant and for which, they have also filed an Affidavit of Undertaking before this Court. Therefore, he



CrI.O.P.No.5202 of 2023

prayed to grant bail to the petitioners.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that as per the complaint, the petitioners, who are the residents of Punjab, by inducing the de-facto complainant through a website, on giving the false assurance that they would be able to track her ex-boy friend, cheated her by taking away her 40 sovereigns of gold. He further submitted that the petitioners belong to the State of Punjab, therefore, if they are released on bail, there is every possibility of the petitioners to abscond and it would be difficult for the respondent to secure them. Hence, he vehemently opposed to grant bail to the petitioners.

5. In reply, the learned Counsel for the petitioners submitted that the petitioners will stand by their Affidavit of Undertaking and they have no objection in the amounts and gold being returned to the de-facto complainant, in the event of the de-facto complainant filing a petition for return of property.

6. Heard the learned Counsel for the petitioners and the learned



Additional Public Prosecutor and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel for the petitioners and taking note of the period of incarceration and also considering the Affidavit of Undertaking filed by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties** (out of which, one should be the blood surety, who should produce document to show his/her means), each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Alandur,** 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 petitioners shall report before the



CrI.O.P.No.5202 of 2023

respondent Police, everyday at 10.30 a.m., until further orders;

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

[d] the petitioners 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 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]*;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

07.03.2023

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To

1. The Judicial Magistrate I,
Alandur.
2. The Inspector of Police,
S-2, Airport Police Station,
Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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