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Crl.O.P.No.6185 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2023

CORAM

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

Crl.O.P.No.6185 of 2023

Kathir @ Selvaganapathy

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
T-3, Korattur Police Station,
Korattur Post,
Chennai.

(Crime No.440 of 2019).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.440 of 2019, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.D.Veerasekharan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.02.2023, for the offences punishable under Sections 420, 406 & 506(ii) of IPC, in Crime No.440 of 2019, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant/Krishnamoorthy is that the accused have induced the de-facto complainant, by giving an assurance that they could secure a Government job for his son, had received a sum of Rs.15 lakhs from the de-facto complainant and cheated him. And, as far as this petitioner is concerned, he had received a sum of Rs.2.5lakhs as his share. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that due to a financial dispute, the de-facto complainant has given a false complaint against the petitioner. He also submitted that major part of the investigation is over and the petitioner was arrested on 11.02.2023 and he is in custody for more than a month. Therefore, he prayed for grant of



bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the the petitioner (A2) along with other accused, have induced the de-facto complainant, under the guise of securing Government job, had received a sum of Rs.15,00,000/- from him and cheated him. He further submitted that as far as this petitioner is concerned, he has received a sum of Rs.2.5 lakhs as his share. He also submitted that the investigation is pending in this case. Hence, he opposed for grant of bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, to show his bonafide, without prejudice to his defense and contention, is ready and willing to deposit the original title deeds of an immovable property worth about Rs.5 lakhs, before the Court concerned. Therefore, he prayed to grant bail to the petitioner.

6. Heard the learned counsel for the petitioner and the learned



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Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

7. Taking into consideration the facts and circumstances of the case, the submissions made by either side and also considering the fact that the petitioner is volunteered to deposit original title deeds of an immovable property worth about Rs.5 lakhs to the credit of crime number, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, **the petitioner is directed to deposit the original title deeds of an immovable property not less than the value of Rs.5 lakhs (standing in the name of the petitioner or his relatives or his friends) to the credit of Crime No.440 of 2019**, without prejudice to his rights and contentions before the trial Court and on such deposit, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Judicial Magistrate, Ambattur**, and on further conditions that:

[a] the sureties shall affix their photographs and



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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 petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[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.

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To

1. The Judicial Magistrate,
Ambattur.
2. The Inspector of Police,
T-3, Korattur Police Station,
Korattur Post, Chennai.
3. The Central Prison,
Redhills, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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