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Crl.O.P.No.7450 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.04.2023

CORAM:

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

Crl.O.P.No.7450 of 2023

Navappan @ Prakash

.. Petitioner

/versus/

The State rep.by
The Inspector of Police,
C-1, Flower Bazar Police Station,
Chennai.

(Crime No.19 of 2023)

.. Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, praying to enlarge the petitioner on bail pending investigation in Crime No.19 of 2023 on the file of the respondent police.

For petitioner : Mr.S.Suresh

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



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 15.02.2023 for the offences under Sections 465, 467, 468, 471 and 420 of IPC in Crime No.19 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Venkatesan is that the petitioner, by impersonating himself as one Ananda Padmanabhan, an IAS Officer, working as an Under Secretary to Government, induced the defacto complainant that he would be able to secure a government job for his wife and assured him that he would also be able to get a license to do A.Grade government contract in Highways department and received Rs.25,00,000/- from him and also obtained his signatures in the blank papers and 14 cheque leaves from him and thereafter, failed to secure either a job to his wife or license to do government contract to the defacto complainant. Thereafter, on enquiry, the defacto complainant came to know that the name of the petitioner is Navappan. Hence the case.



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3.Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and a false complaint has been given against him. He further submitted that there was a existing money dispute between the petitioner and the defacto complainant and in order to retrieve the money, he has given a false complaint, as if, the petitioner had received money from him by impersonating as Government officials. He also submitted that the petitioner is in custody for almost 59 days and major part of the investigation has been completed. Hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (crl.side) appearing for the respondent Police submitted that the petitioner is a habitual offender, against him, two previous cases are pending. He further submitted that the petitioner, by posing himself as Government official, had assured the defacto complainant to get Government contract and had received a sum of Rs.25,00,000/- from him and cheated him. He also submitted that the investigation is still pending. Hence, he opposed for grant of bail to the petitioner.



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5.In reply, the learned counsel for the petitioner submitted that the defacto complainant himself is an accused in Crime No.118 of 2019, wherein, the defacto complainant and the petitioner are co-accused. He further submitted that the defacto complainant, by knowing fully well about the background of the petitioner, has given a false complaint. He reiterated that the petitioner is in judicial custody from 15.02.2023 and hence, he prays for grant of bail to the petitioner.

6.Heard the learned Counsel for the petitioners and the learned Government Advocate (crl.side) 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 on either side and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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8. 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**, (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 Metropolitan Magistrate No.VIII, George Town, 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;

[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



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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 Metropolitan Magistrate No.VIII,
George Town, Chennai.
- 2.The Inspector of Police,
C-1, Flower Bazar Police Station,
Chennai.
- 3.The Central Prison,
Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court, Madras.



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The Criminal Original Petition is listed today under the caption “for being mentioned”.

2. Learned counsel appearing for the Petitioner submitted that the petitioner herein has been granted bail in connection with Crime No.19 of 2023, by order dated 10.4.2023 with a condition that he shall appear before the respondent viz., the Inspector of Police, C1, Flower Bazaar Police Station, Chennai everyday and it is difficult for him to appear before the respondent herein as he has to appear before the District Crime Branch Erode everyday in compliance of a condition imposed by this court while granting bail to him in Crl.O.P.No.6799 of 2023 in connection with Crime No.18 of 2019 and thereby, he craves indulgence of this court in modifying the condition imposed in the present petition to the effect that he shall appear before the District Crime Branch Erode.



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3. In view of the above, the condition 8[b] imposed by this court while granting bail to the petitioner by an order dated 10.4.2023 is modified to the effect that **"the petitioner shall stay at Erode and appear before the Inspector of Police, District Crime Branch, Erode, everyday at 10.30 a.m., until further orders"**.

4. It is made clear that the other conditions imposed shall remain unaltered.

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Note : Issue fresh order copy today (20.04.2023).

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