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Crl.O.P.No.8061 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2023

CORAM

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

Crl.O.P.No.8061 of 2023

Ramadass

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Central Crime Branch (EDF-II),
Avadi Police Station,
Avadi, Chennai -56.
Crime No.09 of 2023.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending investigation in Crime
No.09 of 2023 on the file of the respondent police.

For Petitioner : Mr.R.C.Paul Kanagaraj
for Mr.S.Sivakumar

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

For Intervener : Mr.E.C.Ramesh



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.03.2023, for the alleged offences punishable under Sections 406 and 420 of IPC, in Crime No.09 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the defacto complainant Balasubramaniam is that the accused have falsely representing that they are the owners of the property measuring 10530 sq.ft in S.No.572/part Manikandapuram in Block No.34 of Ambattur SRO, had received a sum of Rs.2.2 Crores and later it was found that the accused is not the owner of the property. Thereby, cheated the defacto complainant. Hence, the case.

3. The learned counsel for the petitioner submitted that, petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that, case of financial dispute has been falsely projected as a case of cheating. He further submitted that, in fact, petitioner is the original owner of the property and he was already granted patta. Subsequently, patta was cancelled. He further submitted that, petitioner's



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wife had approached this Court seeking anticipatory bail in Crl.O.P.No.6315 of 2023 and this Court had referred the matter for mediation. He further submitted that, as and when the petitioner comes out on bail, there is a possibility of petitioner approaching the mediation centre and settling the matter with the defacto complainant. Petitioner was arrested on 09.03.2023 and he is in custody for 36 days and he is prepared to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. Learned Government Advocate (Crl. Side) submitted that, petitioner along with other accused falsely representing that, they are the owners of the property had received an amount of Rs.2.2 Crores and cheated the defacto complainant. However, he submitted that, his wife is also an accused in this case and this Court referred the matter for mediation. However, he opposed for granting bail to the petitioner.

5. Mr.E.C.Ramesh, learned counsel appearing for the intervener



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submitted that, if the petitioner is ready to settle the amount, he has no objection for granting bail to the petitioner.

6. Mr.R.C.Paul Kanagaraj, learned counsel appearing for the petitioner submitted that, petitioner's wife is already appearing for mediation and he is also ready to co-operate in the mediation process.

7. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

8. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain condition.

9. Accordingly, 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** each for a like sum to the satisfaction of the **learned Judicial Magistrate No. I, Poonamalle**, and on further conditions that:



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[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 daily at 6.30 p.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.

[g] petitioner shall co-operate with the mediation process.

13.04.2023

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To
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1. Judicial Magistrate No. I, Poonamalle,
2. The Inspector of Police,
Central Crime Branch (EDF-II),
Avadi Police Station,
Avadi, Chennai -56.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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