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Crl.O.P.No.8665 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2023

CORAM

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

Crl.O.P.No.8665 of 2023

U.Jai Ganesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
CCB, Team-28, Vepery,
Egmore, Chennai - 7.

(Crime No.173 of 2022).

... 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.173 of 2022, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.V.Maharajan

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 28.02.2023, for the offences punishable under Sections 420, 465, 468 r/w Section 34, 120(B) of IPC, in Crime No.173 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant/Kumar is that the accused have induced him by informing that they could get an Office Assistant job for him in Tamil Development and Information Department, and had received a sum of Rs.3,00,000/- from him and thereafter, cheated him. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case, since respondent suspects that the petitioner is a friend of the main accused. He further submitted that the petitioner is no way connected with the alleged offence and he was arrested on 28.02.2023 and he is in custody for about 59 days and till date, the final report has not been filed by the



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respondent Police. He also submitted that some of the similarly placed co-accused have been enlarged on bail. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.side) appearing for the respondent police submitted that the petitioner (A5) along with other accused, have induced the de-facto complainant, under the guise of getting Government job, had received a sum of Rs.3,00,000/- from him and cheated him. He also submitted that investigation in this case is still pending. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side and taking note of the fact that till date, the respondent has not filed the final report and also considering the period of incarceration undergone by the



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petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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 Metropolitan Magistrate, Special Court for CCB and CBCID, Egmore, 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., for a period of two weeks and thereafter, on every Saturday 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



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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.

27.04.2023

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To

1. The Metropolitan Magistrate,
Special Court for CCB and CBCID,
Egmore, Chennai.
2. The Inspector of Police,
CCB, Team-28, Vepery,
Egmore, Chennai - 7.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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