



CrI.O.P.No.9105 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

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

CrI.O.P.No.9105 of 2023

Harikumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
DCB Villupuram Police Station,
Villupuram

(Crime No.25 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.25 of 2022, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.B.M.Santharam

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.03.2023, for the offences punishable under Sections 420, 120(B), 294(b), 352 and 506(ii) of IPC, in Crime No.25 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner, on the false assurance of obtaining job in Railways, had cheated the defacto complainant and four other victims to the tune of Rs.21,35,000/-. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and a false complaint has been given on account of financial dispute. He further submitted that the fact remains is that the petitioner has received an amount of Rs.1,30,000/- by way of Bank transfer from the defacto complainant, other than that, the petitioner has not received any amount as claimed by the defacto complainant. He further submitted that the petitioner is in judicial custody from 08.03.2023 and the major part of the investigation has been completed. He also submitted that the petitioner, to show his bonafide, without prejudice to his defense and



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contention, is ready and willing to deposit a sum of Rs.1,30,000/- to the credit of Crime No.25 of 2022 before the Court concerned. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for respondent submitted that the petitioner, on the false assurance of obtaining job in Railways, had cheated the defacto complainant and four other gullible victims to the tune of Rs.21,35,000/-. He further submitted that the investigation is still pending. Hence, he opposed for grant of bail to the petitioner.

5. 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 including the First Information Report.

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



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7. Accordingly, **the petitioner is directed to deposit a sum of Rs.1,30,000/- (Rupees One Lakh and Thirty Thousand only) to the credit of Crime No.25 of 2022**, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, 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 Judicial Magistrate, Gingee** 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 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.

26.04.2023

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To

1. The Judicial Magistrate,
Gingee.
2. The Inspector of Police,
DCB Villupuram Police Station,
Villupuram
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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