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Crl.OP.No.10040 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.05.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.OP.No.10040 of 2023

Chozhan

S/o.Ramachandiran

... Petitioner/A4

Vs.

State Rep by

Station House Officer

Town Police Station, Karaikal

Karaikal District

Puducherry

Crime No.38/2023

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.38 of 2023 on the file of the Inspector of Police, Karaikal Town Police Station, Karaikal, Karaikal District, Puducherry.

For Petitioner : Mr.R.Muruga Bharathi

For Respondent : Mr.K.S.Mohandass
Public Prosecutor
Puducherry.



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Crl.OP.No.10040 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.03.2023 for the offences punishable under Sections 468, 471, 420, 109, 120(B), 511 read with 34 of IPC in Crime No.38 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de facto* complainant is that the accused by pledging the spurious jewel with forged jeweller's mark, weighing about 94 grams in the *de facto* complainant namely, GAK Jewellery, had obtained a sum of Rs.2,95,300/- and thereby, cheated the finance company. Based on his complaint, a case in Crime No.38 of 2023 came to be registered by the respondent police. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that co-accused have been granted bail. Hence, he seeks for grant of bail to the petitioner.

4. The learned Public Prosecutor (Puducherry) appearing for the respondent would submit that it is the case where, the



Crl.OP.No.10040 of 2023

petitioner has formed into a syndicate along with other accused, who are goldsmiths, made spurious jewels and by pledging them with bank and other finance companies, obtained several lakhs and cheated them. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor (Puducherry) for the respondent and perused the materials available on record.

6. It is seen that the petitioner has been arrayed as A4 in this case. It is a case where the accused cheated the business people by preparing fake gold for monetary benefits. Considering the facts and circumstances and considering the fact that the co-accused have already been released on bail, this Court is inclined to grant bail to the petitioner.

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 Judicial Magistrate-I, Karaikal District and on further conditions that:



Crl.OP.No.10040 of 2023

WEB COPY

[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 10.30 a.m. and 05.30 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 absconds, a fresh FIR can be registered under Section 229A IPC.

04.05.2023

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Crl.OP.No.10040 of 2023

WEB COPY

To

1. The Judicial Magistrate -I,
Karaikal District.
2. The Station House Officer
Town Police Station, Karaikal
Karaikal District, Puducherry.
3. The District Jail,
Karaikal.
4. The Public Prosecutor (Pondicherry),
High Court of Madras,
Chennai.



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Crl.OP.No.10040 of 2023

G.K.ILANTHIRAIYAN, J.

Lpp

Crl.O.P.No.10040 of 2023

04.05.2023