



CrI.OP.No.10135 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2023

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

CrI.OP.No.10135 of 2023

Jeenaselvam

... Petitioner

Vs.

State Rep by
Inspector of Police,
District Crime Branch,
Villupuram,
Villupuram District.
Crime No.19 of 2023

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner/sole accused on bail pending investigation in Crime No.19 of 2023 on the file of the Inspector of Police, District Crime Branch, Villupuram, Villupuram District.

For Petitioner : Mr.G.Saravanan
For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.04.2023 for the offences punishable under Sections 406 and 420 of IPC in Crime No.19 of 2023 on the file of the respondent police, seeks bail.



CrI.OP.No.10135 of 2023

2. The case of the prosecution is that, defacto complainant is running a shop in the name and style of "Kumar Traders Paddy and Rice Wholesale Shop". It is alleged that, petitioner purchased paddy from the defacto complainant and paid a sum of Rs.50,000/- and refused to pay the remaining amount of Rs.10,75,000/-. Hence, the complaint.

3. The learned counsel for the petitioner would submit that petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that petitioner cheated the defacto complainant to the tune of Rs.10,75,000/-. Hence, he opposed for grant of bail to the petitioner.

5. It is seen that, there was a business transaction between the petitioner and the defacto complainant. Even according to the case of the prosecution, petitioner paid part of the amount and failed to pay the remaining amount.



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CrI.OP.No.10135 of 2023

6. Considering the facts and circumstances of the case and also the period of incarceration by the petitioner and also considering that the allegations made against the petitioner is civil in nature, 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, Gingee, Villupuram District** 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 daily at 10.30.a.m., for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.



Crl.OP.No.10135 of 2023

[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.

05.05.2023

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CrI.OP.No.10135 of 2023

To

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1. Judicial Magistrate, Gingee,
Villupuram District
2. Inspector of Police,
District Crime Branch,
Villupuram,
Villupuram District.
3. Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras



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Crl.OP.No.10135 of 2023

G.K.ILANTHIRAIYAN, J.

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Crl.O.P.No.10135 of 2023

05.05.2023