



Crl.O.P.No.11741 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2023

CORAM

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

Crl.O.P.No.11741 of 2023

K.Balaji
S/o.Kothandam

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
R-11, Royala Nagar Police Station,
Chennai.

(Crime No.92 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.92 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.S.Dharmakkan
For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)
For Intervener : Mr.A.M.Amutha Ganesh



Crl.O.P.No.11741 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.04.2023, for the offences punishable under Sections 406, 420 and 506(i) of IPC, in Crime No.92 of 2023, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *defacto* complainant/Vijayakumar is that the accused, by impersonating himself as the Deputy Superintendent of Police, EOW, had induced the de-facto complainant stating that he would be able to obtain loan from the banks and received a sum of Rs.10 lakhs from the de-facto complainant from 2016 and cheated him. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner, aged about 60 years, is an innocent person and a false complaint has been given as against him. He further submitted the petitioner and the de-facto complainant are friends and known to each other for a long time. He also submitted that the petitioner is an Industrial consultant and for the



Crl.O.P.No.11741 of 2023

purpose of consultancy, the de-facto complainant, over a period of six years, had paid several amounts and due to some dispute between them, the de-facto complainant had demanded the amount immediately and the petitioner was unable to repay the amount, due to which, a false complaint has been lodged as against the petitioner based on the fabricated documents, as if the petitioner had impersonated himself as the Deputy Superintendent of Police, EOW. He also submitted that major part of the investigation is over and the petitioner is in custody from 28.04.2023. He further submitted that the petitioner is also ready to abide by any stringent conditions that may be imposed by this Court. 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, by impersonating himself as the Deputy Superintendent of Police, EOW and under the guise of getting loans in banks, had cheated the de-facto complainant to the tune of Rs.10 lakhs from the year of 2016. He also submitted that major part of the investigation in this is over and there is no previous case as against the petitioner. However, he opposed for grant of bail to the petitioner.



Crl.O.P.No.11741 of 2023

WEB COPY

5. Mr.A.M.Amutha Ganesh, learned counsel appeared on behalf of the de-facto complainant vehemently opposed for granting bail to the petitioner stating that the petitioner had cheated the de-facto complainant to the tune of Rs.10 lakhs, by impersonating himself as Deputy Superintendent of Police, Economic Offences Wing. Hence he prayed for dismissal of the petition.

6. At this juncture, the learned counsel for the petitioner submitted that the petitioner, to show his bonafide, without prejudice to his defence and contention, is ready and willing to deposit a sum of Rs.2 lakhs, to the credit of crime number before the Court concerned. Therefore, he prayed to grant bail to the petitioner.

7. Heard the learned Counsel for the Petitioner, Intervener and the learned Government Advocate (Crl.Side) for the respondent and perused the 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 the



CrI.O.P.No.11741 of 2023

period of incarceration suffered by the petitioner and also considering the fact that the petitioner is volunteered to deposit a sum of Rs.2 lakhs to the credit of crime number, this Court is inclined to grant bail to the petitioner with certain conditions.

9. Accordingly, **the petitioner is directed to deposit a sum of Rs.2 lakhs to the credit of Crime No.92 of 2023**, without prejudice to his rights and contentions, before the Court concerned and on such deposit, 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, Poonammallee**, 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 respondent police everyday at 10.30 a.m. for a period of four weeks and thereafter, on every Saturday at 10.30 a.m., until further orders;**



CrI.O.P.No.11741 of 2023

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] 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]***;

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

05.06.2023

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Crl.O.P.No.11741 of 2023

To

1. The Judicial Magistrate No.I,
Poonamallee.
2. The Inspector of Police,
R-11, Royala Nagar Police Station,
Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.11741 of 2023

A.D.JAGADISH CHANDIRA.,J.

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