



Crl.O.P.No.13474 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

CORAM

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

Crl.O.P.No.13474 of 2023

Ramesh

... Petitioner

Vs.

State Rep. by
Inspector of Police,
D-2 Anna Salai Police Station,
Chennai.
(Crime No.363 of 2019)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail concerned in Crime No.363 of 2019
on the file of the respondent.

For Petitioner : Mr.J.William Shakesphere

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



ORDER

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The petitioner, who was arrested and remanded to judicial custody through P.T. Warrant on 30.03.2023 for the offence punishable under **Section 420 IPC in Crime No.363 of 2019** on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 21.08.2019, when the defacto complainant had entered into banking transaction, the petitioner approached him and introduced himself as if he is a bank employee and further enticed him that if he proceeds along with him, he would help him to change the documents and thus made the defacto complainant believe that he is a bank employee. Believing his words, the defacto complainant gave him Rs.30,000/- and after receiving the amount, the petitioner left from the scene stating that he has to purchase stamps and thereafter, escaped from the spot and thereby, cheated the defacto complainant. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner was originally arrested and remanded to judicial custody in the main case in Crime No.7 of 2023 on 04.01.2023 and after 3 months, he was produced in this case through P.T. Warrant on 30.03.2023. He would submit



that in the previous case there is no confession as if, the petitioner had been involved in the present case and only on suspicion, the petitioner has been implicated in this case and that the petitioner has been languishing in jail for more than 150 days. He would submit that in both the cases, the investigation has been completed and that the petitioner is ready to abide by any stringent conditions as may be imposed by this Court.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police vehemently opposed for grant of bail to the petitioner stating that the petitioner is a habitual offender against whom there are 22 previous cases out of which, 5 cases are of similar nature and in most of the cases, the petitioner has pleaded guilty. As far as the present case is concerned, the investigation is completed and the case has been taken on file in C.C.No.4455 of 2023 on the file of the II Metropolitan Magistrate, Egmore, Chennai and now the case is posted on 20.06.2023 for appearance of the accused. He further submitted that there are only 4 witnesses in this case and thereby, he would seek for dismissal of the bail petition.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner is ready to co-operate for the speedy disposal of the trial.



Further, the petitioner has got 5 daughters and one of his daughters is ready to stand as surety to the petitioner. Thereby, he would seek for bail.

6. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent police and perused the materials available on record including the FIR.

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

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand Only)** with two sureties out of which, one surety shall be one of the **daughters of the petitioner**, each for a like sum to the satisfaction of the **learned II Metropolitan Magistrate, Egmore, Chennai-8**, 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 II-Metropolitan Magistrate, Egmore, Chennai-8, on all working days at 10.30 a.m. and also report before the respondent police daily at 06.30 p.m. until further orders.

[c] the petitioner shall not abscond during trial

[d] the petitioner shall not tamper with evidence or witness during 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 petitioners 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.

19.06.2023

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A.D.JAGADISH CHANDIRA,J.,

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To

1. The II Metropolitan Magistrate, Egmore, Chennai-8
- 2.The Inspector of Police,
D-2 Anna Salai Police Station,
Chennai.
3. The Central Prison, Chennai
4. The Public Prosecutor,
High Court of Madras.

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