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Crl.O.P.No.13522 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.13522 of 2023

G.Chandrasekar

... Petitioner

Vs.

State rep by
The Inspector of Police
Perumanallur Police Station,
Tiruppur.
Crime No.186 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.186 of 2023 on the file
of the respondent police.

For Petitioner : Mr.K.Sudhakar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 25.05.2023 for the offences punishable under Sections 120B, 406 and 420
of IPC in Crime No.186 of 2023 on the file of the respondent police, seeks
bail.



2. The case of the prosecution as per the defacto complainant/

Sabarinathan is that he engaged in the business of real estate and bakery in the name and style of Rayal @ Co and he has approached one Kongu Jayaram, seeking to exchange Rs.2,000/- currency notes to the value of Rs.30 lakhs and he also offered to give commission of Rs.1 lakh. The petitioner had called him on 24.05.2023 and received the money and thereafter, cheated him by not exchanging and giving the money. Hence the case.

3.Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that even as per the allegations, there was a direct access between the defacto complainant and one Kongu Jayaram, who had agreed to exchange Rs.2000/- currency notes of the defacto complainant. He further submitted that on 24.05.2023, the defacto complainant along with the said Kongu Jayaram and others had come to the house of the petitioner and later, they have left from the house and other than that, the petitioner does not know anything about the same. Even as per the FIR, the defacto complainant had stated that the other two accused had come to the house of the petitioner and left from the house after sometime and no specific allegation has been made as against the petitioner. He further submitted that though there are no



allegations as against the family members of the petitioner, later the family members have also been implicated in this case. He further submitted that even prior to or after the occurrence, there is no communication between the petitioner and the defacto complainant. He also submitted that the police custody was taken and from the petitioner Rs.10 lakhs has been recovered by the Police. He further submitted that the petitioner is in custody from 25.05.2023 and he is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner along with other accused one Kongu Jayaram and one Sivaraman had induced the defacto complainant on the assurance of exchanging Rs.2000/- currency notes and believing the same, the defacto complainant had gone to the house of the petitioner along with other accused and later, the other accused, on the guise of exchanging, gone away and they did not return the amount and cheated the defacto complainant. He further submitted that no previous case is pending against the petitioner. 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 materials available on record including the FIR.

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

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, Avinashi** 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;



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[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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To

1. The Judicial Magistrate,
Avinashi.
2. The Inspector of Police
Perumanallur Police Station,
Tiruppur.
3. The District Jail,
Tiruppur.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA,J.,



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