



Crl.O.P.No.13507 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2023

CORAM

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

Crl.O.P.No.13507 of 2023

Shathik Basha

... Petitioner

Vs.

State rep. by
Inspector of Police,
District Crime Branch
Villupuram District
(Crime No.21 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to grant bail to the petitioner in Crime No.21 of 2023 pending on the
file of the respondent police.

For Petitioner : Mr.D.Senthil

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 on 04.05.2023 for the offence punishable under **Sections 406, 420 and 120B IPC, in Crime No.21 of 2023** on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Shahul Hameed is that the accused had promoted a scheme for land lay out and had agreed to collect the amount on instalment basis. Based on the same, the defacto complainant had paid a sum of Rs.96,000/-, whereas the accused neither allotted any plot nor returned the amount to the defacot complainant. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would submit that the petitioner is arrayed as A2 and he was only working under A1 who had promoted the scheme. He would further submit that there is a property measuring 4 ½ Acres in the name of A1 and only based on the documents, he promised to give plots and collected the amount. Other than the role of employee, the petitioner is nothing to do with this case. He would further submit that the petitioner has



been languishing in jail from 04.05.2023. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would vehemently oppose for grant of bail to the petitioner stating that the petitioner along with other accused had promoted a land development scheme and collected amounts from 105 persons to the tune of Rs.60,52,000/- on the promise of giving them half a ground and later, they failed to comply with the undertaking given by them and cheated the victims. He would further submit that the main accused A1 is still absconding.

5. 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.

6. Considering the facts and circumstances of the case and 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 petitioners 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 No.1, Villupuram**, 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 every day 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;

[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]***;



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

20.06.2023

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To

1. The Judicial Magistrate No.1, Villupuram.
- 2.The Inspector of Police,
District Crime Branch
Villupuram District
3. The Central Prison, Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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