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Crl.O.P.No.13603 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.13603 of 2023

Lalith Prasanth

... Petitioner

Vs.

State rep. by,
Inspector of Police,
Kondapalayam Police Station
Kondapalayam,
Ranipet District
(Crime No.23 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.23 of 2023 on the file of
the respondent police.

For Petitioner : Mr.K.G.Senthil Kumar

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



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 17.05.2023 for the offence punishable under **Section 420 IPC, in Crime No.23 of 2023** on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Parasuraman is that, the accused had borrowed an amount of Rs.1,40,000/- from the defacto complainant for the medical expenses of his wife and thereafter, he failed to repay the amount and also got absconded. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that admittedly, the petitioner had borrowed some amount for the medical expenses of his wife and the defacto complainant is attempting to recover the money through police action by giving a false complaint against the petitioner and that the petitioner has been languishing in jail from 17.05.2023. Hence, he prays for grant of bail to the petitioner.



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 had borrowed a sum of Rs.1,40,000/- from the defacto complainant for the medical expenses of his wife and earlier, the petitioner was called for enquiry during which, the petitioner had agreed to repay the amount and later, he got absconded.

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. 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.

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, Sholingur, Ranipet 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 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;

[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.

20.06.2023

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To

1. The Judicial Magistrate, Sholingur,
Ranipet District.
2. The Inspector of Police,
Kondapalayam Police Station
Kondapalayam,
Ranipet District
3. The Sub Jail, Arakkonam,
Ranipet District.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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