

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2023

CORAM

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

Crl.O.P.No.13809 of 2023
and Crl.M.P.No.8954 of 2023

C.Sivachandiran

... Petitioner

Vs.

State rep by
The Inspector of Police
Kattumannarkoil Police Station,
Kattumannarkoil, Cuddalore District.

Crime No.159 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.159 of 2023 on the file
of the respondent police.

For Petitioner : Mr.S.Sureshkumar

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

For Interener : Mr.C.Prabakaran

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 13.05.2023 for the offences punishable under Sections 420, 294(b),

506(ii) of IPC in Crime No.159 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused, under the guise of inducting the defacto complainant in a partnership business of Tea Time, received Rs.13 lakhs and later, cheated him. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been implicated in this case. He would further submit that though the huge amount of Rs.13 lakhs is stated to have been given by the petitioner, there is no material to show that the amount have been handed over to the petitioner and other than the oral statement, the defacto complainant has not produced the scrap of evidence to show that Rs.13 lakhs was given to the petitioner. He would also submit that the petitioner is in custody from 13.05.2023, 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 has received an amount of Rs.13 lakhs from the defacto complainant under the guise of inducting him in a partnership firm and later, cheated him. He would also submit that the

investigation is still pending. However, he opposed for grant of bail to the petitioner.

5.The learned counsel for the intervener would vehemently oppose for granting bail to the petitioner stating that the defacto complainant is a very poor man and he had mortgaged the jewels belonging to his sister and handed over a sum of Rs.13 lakhs and the petitioner has cheated him. He would further submit that the petitioner has not only cheated the petitioner, but he has also cheated several other persons. Hence, he would strongly oppose for grant of bail to the petitioner.

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. When this Court had enquired the learned Government Advocate whether any complaint has been pending against the petitioner, he would submit that no case is pending against him.

8. Considering the above 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.

9. 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**, (out of which, one surety should be the blood relative of the petitioner), each for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Kattumannarkoil** 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.

10. Accordingly, this Criminal Original Petition is ordered. Consequently, connected Miscellaneous Petition is closed.

27.06.2023

vr

To

1. The District Munsif cum Judicial Magistrate,
Kattumannarkoil.
2. The Inspector of Police
Kattumannarkoil Police Station,
Kattumannarkoil, Cuddalore District.
3. The Sub Jail,
Chidambaram.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA,J.,

vk

Crl.O.P.No.13809 of 2023
and Crl.M.P.No.8954 of 2023

27.06.2023