



Crl.O.P.No.14111 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2023

CORAM

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

Crl.O.P.No.14111 of 2023

Rubesh Kumar

... Petitioner

Vs.

The State rep. by
Station House Officer
D Nagar Police Station
Korimedu, Podhucherry
(Crime No.97 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail concerned in Crime No.97 of
2023 on the file of the respondent.

For petitioner : Mr.S.Soundararajan

For Respondent : Mr.M.V.Ramachandra Murthy
Additional Public Prosecutor (Puducherry)



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ORDER

The petitioner who was arrested and remanded to judicial custody on 12.05.2023 for the offence punishable under **Section 420 IPC** in Crime No.97 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner had induced the defacto complainant stating that he would be purchasing gold for lesser price, had taken an amount of Rs.7 lakhs from the defacto complainant and thereafter, cheated the defacto complainant. Hence, the case

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that a case of money dispute has been falsely projected as a case of cheating. Earlier the defacto complainant had sent a notice to the petitioner in respect of dishonouring of cheque for Rs.6 lakhs and the petitioner had also replied to the notice, whereas at later



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point of time, he has given a false complaint against the petitioner as if, the petitioner induced him for purchasing of gold at lesser price and cheated him to the tune of Rs.7 lakhs. He would further submit that the petitioner is in judicial custody from 12.05.2023 and the major part of investigation is over. Hence, he prayed for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor (Puducherry) appearing for the respondent police vehemently opposed for grant of bail to the petitioner stating that the petitioner had induced the defacto complainant on the promise of purchasing gold for lesser price and received a sum of Rs.7 lakhs from the defacto complainant and thereafter, cheated him. He would further submit that the petitioner has got one previous case registered by the Grand Bazaar police Station in Crime No.173 of 2022.

5. In reply, the learned counsel for the petitioner would submit that in the earlier case the petitioner has settled the entire amount to the defacto complainant. He would further submit that in order to show his



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bonafide, the petitioner is ready to deposit the original title deeds of immovable property worth Rs.5 lakhs to the credit of crime number.

6. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor (Puducherry) for the respondent police and perused the materials available on record including the FIR.

7. This Court taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioner and also considering the voluntary submission made by the learned counsel for the petitioner that the petitioner is ready to deposit the original title deeds of immovable property worth about Rs.5 lakhs to the credit of crime number, this Court is inclined to grant of bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is directed to **deposit the original title deeds of an immovable property worth about Rs.5 lakhs**



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standing either in the name petitioner or relatives/friends, to the credit of Crime No.97 of 2023 and on such deposit, 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.I, Pudhucherry** 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 daily at 10.30 a.m. for a period of two weeks and thereafter, every Saturday at 10.30 a.m. until further orders;

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during 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 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]***;

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

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To
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- 1.The Judicial Magistrate No.I, Pudhucherry
- 2.The Station House Officer
D Nagar Police Station
Korimedu, Podhucherry
3. Central Prison, Kaladipet, Pudhucherry
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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