



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2023

CORAM:

THE HON'BLE **Dr. JUSTICE G.JAYACHANDRAN**

Crl.O.P.No.18361 of 2023

Subash

.. Petitioner

Vs.

The State rep. by
The Inspector of Police,
Valavanur Police Station,
Villupuram District.
(Crime No.303 of 2023)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail, pending investigation in Crime No.303 of 2023 on the file of the respondent police.

For Petitioner : Mr.M.A.Praveena

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



ORDER

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The petitioner, who was arrested for the alleged offences under Sections 294(b), 506(ii) IPC r/w.420 IPC, in Crime No.303 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner received a sum of Rs.3,68,000/- from the defacto complainant for securing admission at Law College. But neither he arranged admission nor return the money. When the defacto complainant demanded to return his amount, the petitioner abused him with filthy language and threatened him with dire consequence. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any such offences as alleged by the prosecution. He further submitted that he has been falsely implicated in this case. Hence, he pleads for bail.



4. The learned Additional Public Prosecutor opposed granting bail to the petitioner on the ground that this petitioner is facing yet another case of similar nature. The alleged cheated amount was not yet recovered and the investigation is pending. If the petitioner is released on bail, it will not be possible to recover the amount.

5. Considering the nature of the complaint and the defence taken by the petitioner, this Court is of the view that the petitioner may be granted bail. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with two sureties, each for a like sum, to the satisfaction of the learned **Judicial Magistrate No.II, Villupuram;**

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) **the petitioner is directed to report before the respondent police daily at 10.30 a.m., until further orders;**



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(d) the petitioner shall not abscond either during investigation or trial;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial 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];

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

14.08.2023

rpl

To

1.The Judicial Magistrate No.II, Villupuram.

2.The Inspector of Police,
Valavanur Police Station,
Villupuram District.

3.The Superintendent,
Central Prison
Cuddalore.

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4. The Public Prosecutor,
High Court, Madras.

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Dr.G.JAYACHANDRAN, J.

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