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Crl.O.P.No. 21149 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.21149 of 2023

Gowtham Kumar

... Petitioner

Vs.

The State rep. by:-

The Inspector of Police,

K-9, Thiru Vi Ka Nagar Police Station,

Chennai

(Crime No.89 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,

pleased to enlarge the petitioner / Accused on bail in Crime No.89 of 2023

pending investigation on the file of the respondent Police.

For Petitioner : Mr.D.Gopikrishnan

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.06.2023, registered by the respondent Police for the offences under Sections 406 and 420 of IPC in Crime No.89 of 2023, seeks bail.



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2.The case of the prosecution is that the defacto complainant had stated that he was working in Murugappa Group of Company at Ambattur and the petitioner had informed him that he is a job consultant and can give a job to the defacto complainant in Caterpillar Company at Thiruvallur and have received initially a sum of Rs.50,000/- and later, another sum of Rs.13 lakhs. The petitioner neither given a job nor return back the money.

3.The learned counsel for the petitioner on instructions stated that the petitioner is ready to deposit a sum of Rs.3 lakhs to the credit of Crime No.89 of 2023 and would also provide security in the nature of immovable property for further sum of Rs.3 lakhs.

4.Taking into consideration the period of incarceration and also that the final report had been filed and the matter is now pending for framing of charges before the trial Court, this Court is inclined to grant bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 V Metropolitan Magistrate, Egmore, Chennai and on further conditions that:



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[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 deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) to the credit of Crime No.89 of 2023 before the Magistrate concerned and on such deposit, the learned Magistrate may hand over to the defacto complainant; The petitioner should also deposit a title deed for property worth about Rs.3,00,000/- and the value and the title should be tested by the Magistrate;

[c] the petitioner shall report before the trial Court during the hearing dates except for unforeseen circumstances, till completion the trial;

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

31.10.2023

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To

1. The V Metropolitan Magistrate, Egmore, Chennai.
2. The Inspector of Police,
K-9, Thiru Vi Ka Nagar Police Station,
Chennai.
3. The Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN, J.

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