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Crl.O.P.No.24126 of 2023

C.V.KARTHIKEYAN, J.

The Criminal Original Petition is listed today under the caption, “for being mentioned”.

2. The learned counsel appearing for the petitioner would submit that this Court, by an order dated 19.10.2023, has granted bail to the petitioner. However, in Paragraph No.5 of the order copy, the date has been mentioned as 17.10.2023 instead of 17.11.2023. Hence, he prayed for suitable directions.

3. Considering the above submission, the error is corrected and the Paragraph No. 5 of the order shall be read as follows:

“ Accordingly, the petitioner is ordered to be released on bail and depositing a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of the C.C.No.6490 of 2023 on or before **17.11.2023** and 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 V Metropolitan Magistrate, Egmore, Chennai and on further conditions that:-

4. Registry is directed to issue a fresh order copy.

20.10.2023

Vv

Note: Issue order copy on 20.10.2023



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C.V.KARTHIKEYAN, J.

Vv

Crl.O.P.No.24126 of 2023

20.10.2023



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2023

CORAM

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

Crl.OP.No.24126 of 2023

D.Vijayalatha

...Petitioner

Vs.

The State represented by
The Inspector of Police,
K-7, ICF Police Station,
Chennai
Crime No.99 of 2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the Petitioner on bail in connection with the case in Crime No.99 of 2023 pending investigation on the file of the Respondent police.

For Petitioner : Mr.T.Ravi

For Respondent : Mr.R.Kishore Kumar

Government Advocate

(Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.06.2023 for the offence punishable under Sections 406, 419, 420 r/w 120(B) of IPC in Crime No.99 of 2023 on the file of the respondent police,



seeks bail.

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2. The case of the prosecution is that the defacto complainant who was working in CM Office and that the defacto complainant had transferred a sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs only) to the petitioner herein. The petitioner had held out that he had good relationship with one Dinesh and that, through the said Dinesh the defact complainant could get back her investment made in another company, Hijau Associates Private Limited.

3. It is contended that a sum of Rs.1,25,000/- (Rupees One Lakh Twenty Five Thousand only) was transferred by Google Pay to the account of the petitioner herein and the balance amount was transferred by cash. It is also stated that on behalf of the respondent the final report has been filed and taken cognizance in C.C.No.6490 of 2023 by the learned V Metropolitan Magistrate, Egmore, Chennai.

4. Taking into consideration, the investigation has been completed but also to provide to small support to the defacto complainant, the bail is granted to the petitioner subject to the following conditions.

5. Accordingly, the petitioner is ordered to be released on bail and depositing a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit



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of the C.C.No.6490 of 2023 on or before 17.10.2023 and 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 V Metropolitan Magistrate, Egmore, Chennai 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 appear before the V Metropolitan Magistrate, Egmore, Chennai during every hearing date of the calendar case unless there are bonafide reasons not able to present at 10.30.a.m., until completion of the calendar case. The amount of Rs.50,000/- shall be retained to the credit of the calendar case by the learned V Metropolitan Magistrate, Egmore, Chennai. If the petitioner is acquitted, the amount may be returned back to the petitioner, if the petitioner is convicted, the amount may be handed over to the defacto complainant. If during the evidence of the defacto complainant is able to establish that a larger amount was transferred to the petitioner necessary orders in that regard may also be stated if at all the petitioner stands convicted.

[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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

19.10.2023

vkrr

To

1.The Metropolitan Magistrate No.V, Egmore.

2.The Central Prison, Puzhal.

3.The Inspector of Police,
K-7, ICF Police Station,
Chennai

4.The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN.J

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19.10.2023