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Crl.O.P.No. 25180 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2023

CORAM

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

**Crl.O.P.No.25180 of 2023
and Crl.M.P.No.17994 of 2023**

Ramachandiran

... Petitioner

Vs.

The State rep by
The Inspector of Police,
Cuddalore New Town Police Station,
Cuddalore District.
Crime No.529 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.529 of 2023
on the file of the respondent Police.

For Petitioner : M/s.Om Sai Ram
For Respondent : Mr.R.Kishore Kumar
Government Advocate (Crl.Side)
For Intervenor : Mr.S.Pramod Narayan

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 10.09.2023, registered by the respondent Police for the offences under



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Sections 406 and 420 of IPC, in Crime No.529 of 2023, seeks bail.

2.It is the case of the learned counsel for the petitioner that the petitioner is running a printing business which business is also being run by the defacto complainant.

3. It is stated that the defacto complainant, to avoid tax, had permitted the customers to pay the amounts payable to the defacto complainant for service rendered to the mobile number of the petitioner herein.

4.In this manner, about Rs.6,00,000/- has accrued to the account of the petitioner.

5.On the other hand, it is the contention of the defacto complainant/intervenor that no such authorisation was given and the petitioner /accused had lured the customers to pay the amounts payable to the defacto complainant to the accused. There are two separate versions which are given and it would all depend on the manner in which the trial takes place and evidence let in.

6.The learned Government Advocate is now caught between the two separate versions as given by the defacto complainant and the accused and it all depends on the nature of the evidence let in.



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7.At this stage, neither of the two versions can be taken for grant of bail by this Court, but this is a case for grant of bail, this Court is inclined to grant bail to the petitioner with certain conditions.

8.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 Judicial Magistrate No.II, Cuddalore, 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 deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.529 of 2023 before the learned Judicial Magistrate No.II, Cuddalore within a period of two weeks from the date of receipt of a copy of this order. The learned Magistrate may transfer the amount so deposited in an interest bearing fixed deposit and pass final orders on conclusion of trial. If the accused is acquitted, the amounts may be handed back to the accused together with accrued interest and if the accused is convicted, the amounts together with interest may be handed



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over to the defacto complainant.

[c] the petitioner shall report before the respondent Police everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation ;

[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].

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

9. Consequently, connected Miscellaneous Petition is allowed.

09.11.2023

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To

1. The Judicial Magistrate No.II, Cuddalore.

2. The Inspector of Police,
Cuddalore New Town Police Station,



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3. The Central Prison, Cuddalore.
4. The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN, J.

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