



Crl.O.P.No.3111 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2024

CORAM

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

Crl.O.P.No.3111 of 2024

Jayaprakash

...Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
S-4, Nandambakkam Police Station,
Chennai.

(Crime No.212 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail concerned in Crime No.212 of 2023 on the file of the respondent police on such terms and conditions.

For Petitioner : Mr.R.Mukeshkannah

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)



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ORDER

The petitioner seeks bail in Crime No.212 of 2023, registered by the respondent police for the offences under Sections 465, 467, 468, 471, 406, 420 r/w 506(i) of IPC, seeks bail. The petitioner had been remanded to judicial custody on 16.12.2023.

2.It is the case of the prosecution that the defacto complainant had approached the petitioner herein with respect to taking on lease a property at Door No.42/2, Srisai Nagar, Chinniya Nagar, Virugambakkam, Chennai, to start a hotel business. It is stated that the petitioner acted as an agent and introduced him as a Manager of the shop. The defacto complainant had deposited lease amount of Rs.25,00,000/-. It is stated that the petitioner had signed the lease deed but the learned counsel for the petitioner however stated that the petitioner had never signed any lease deed and he is not even the owner of the premises and he cannot grant lease.

3.It is contended that the lease deed is forged. An issue of forgery will have to be examined and tested during the course of trial but however, taking into consideration the period of incarceration, I am



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inclined to grant bail to the petitioner subject to the following conditions:-

4. 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 Judicial Magistrate I, Alandur, 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 everyday at 10.30 a.m., until further orders.

[c] Additionally, the petitioner shall deposit a sum of Rs.3,00,000/- to the credit of Crime No.212 of 2023 before the Judicial Magistrate I, Alandur and on such deposit, the Judicial Magistrate may retain the said amount in a interest earning Fixed Deposit in a Nationalized Bank and on conclusion of trial, if the petitioner is convicted, then hand over the said amount together with accrued interest to the defacto complainant. If the petitioner is acquitted, then the said amount in the Fixed Deposit together with accrued interest may be returned back to the petitioner herein.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either



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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.

16.02.2024

ata

C.V.KARTHIKEYAN. J.
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To



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1. The Judicial Magistrate I, Alandur.
2. The Central Prison, Puzhal – II.
3. The Inspector of Police,
S-4, Nandambakkam Police Station,
Chennai.
4. The Public Prosecutor,
High Court of Madras.

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