



Crl.O.P.No.11100 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.05.2024

CORAM

THE HON'BLE MR. JUSTICE C.SARAVANAN

Crl.O.P.No.11100 of 2024

Venkatesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
E2, Royapettah Police Station.

(Crime No.49 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.49 of 2024, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.R.C.Paul Kanagaraj
for Mr.M.Soundar Vijay Arul Ram
For Respondent : Ms. Shahana Fathima
for Mr.R.Vinothraja
Government Advocate (Crl.Side)

ORDER



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The petitioner was arrested and remanded to judicial custody on 06.04.2024, for the offences punishable under Sections 406 & 420 of IPC, in Crime No.49 of 2024, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant who is working as a Chief Executive Officer in Southern Academy of Maritime Studies, lodged a complaint on 16.03.2024 before the respondent police stating that the petitioner along with the other accused had swindled the office money of several lakhs without the knowledge of the defacto complainant. Hence this complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, who is no way connected with the alleged offence, and a false complaint has been foisted against him. He also submitted that the petitioner is in custody from 06.04.2024 and he is also ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the



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respondent police submitted that the petitioner is arrayed as A1. The earlier bail application filed by the petitioner in Crl.M.P.No.12950 of 2024 before the Lower Court was dismissed vide order dated 30.04.2024 on the ground that the petitioner along with the other accused had misappropriated a sum of Rs.35,00,000/- from the defacto complainant and that the petitioner himself had swindled a sum of Rs.25,00,000/- and had received a sum of Rs.8,23,000/- in this connection through Google Pay and a further sum of Rs.16,77,000/- by way of cash. Hence, she opposed for grant of bail to the petitioner.

5. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. The case requires a detailed investigation. However, the arrest of the petitioner and detention thereafter may not be required. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side, this Court is inclined to grant bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is ordered to be released on bail on a condition **to deposit a sum of Rs.12,50,000/- to the credit of the Crime No.49 of 2024** and the petitioner is also directed 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 XVIII Metropolitan Magistrate, Saidapet, Chennai**, and on further conditions that:

[a] **The petitioner shall hand over his Mobile Phone to the investigating officer without tampering;**

[b] 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;

[c] **the petitioner shall report before 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



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

22.05.2024

gsk

To

1. The XVIII Metropolitan Magistrate,
Saidapet, Chennai.
2. The Inspector of Police,
E2, Royapettah Police Station.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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C.SARAVANAN.,J.

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