



Crl.O.P.No.11501 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.05.2024

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THE HON'BLE MR. JUSTICE C.SARAVANAN

Crl.O.P.No.11501 of 2024

Syed Mubarak

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
CCD-II, Cuddalore Police Station,
Cuddalore.

(Crime No.61 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.61 of 2024, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.N.S.Suganthan

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



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Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner, under the guise of getting the visa for the *de facto* complainant, had received a sum of Rs.70,000/- from him and cheated him by issuing a duplicate visa. He further submitted that the investigation in this case is still pending and no recovery is made from the petitioner, hence, he 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. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and considering the fact that the petitioner has volunteered to deposit a sum of Rs.1,00,000/- to the credit of crime number, this Court is inclined to grant bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees one lakh only) to the credit of Crime No.61 of 2024, without prejudice to his rights and contentions, before the court concerned and on such deposit, the petitioner is ordered to be released on bail 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 Judicial Magistrate No.III, 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 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

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To

1. The Judicial Magistrate No.III,
Cuddalore.
2. The Inspector of Police,
CCD-II, Cuddalore Police Station,
Cuddalore.
3. The Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.

C.SARAVANAN.,J.

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