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CRL O.P. No.15074 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.08.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.15074 of 2024

Thiyagarajanpillai S/o. Manika Pillai ... Petitioner / Accused No.1
Vs

State rep. by:-

The Inspector of Police,
CCB Land Grabbing,
Tambaram, Chennai. ... Respondent
[Cr. No.22 of 2024]

M. Subramanian S/o. Muthukrishnan
[As per order in Crl. M.P. No.9978 of 2024] ... Intervenor

For Petitioner : Mr. R. Vivekananthan

For Intervenor : Mr. T.L. Thirumalaisamy

For Respondent : Mr. S. Vinoth Kumar

Government Advocate
[Criminal side]

PETITION FOR BAIL Under Sec.483 of B.N.S.S.

PRAYER: - The Criminal Original Petition is filed under Section 483 of
The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to
the petitioner/Accused No.1 in Crime No.22 of 2024 on the file of the



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respondent police.

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ORDER

The petitioner/1st Accused, who was arrested and remanded to judicial custody on 24.05.2024 for the offences punishable under sections 406, 420, 464 and 465 of IPC in Crime No.22 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused along with other accused, was running a business in the name & style of M/s. Kirabes Flex Board Pvt. Ltd., and they had induced the defacto complainant to invest in their company to become a partner and assured to return the money along with profit. Believing the words of the accused, the defacto complainant invested Rs.2 crores in the accused company. But the accused failed to repay the same as assured. When the defacto complainant questioned the same, A1 had executed a mortgage deed in favour of the defacto complainant with condition to release the mortgage deed within a period of 2 years by repaying the amount. After two years, A1 failed to repay the amount to the defacto complainant and also it came to know that the property mortgaged by the accused, was not a



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property belonging to the accused and it is a Government poramboke.

Thus, the accused, with malafide intention to deceive the defacto complainant, induced him to invest amount in the accused company and fraudulently executed a forged mortgage deed in favour of the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would contend that the petitioner is in judicial custody since 24.05.2024 and he has been falsely implicated in this case. The matter was referred to Mediation and settlement has been arrived at between the parties. Already a part of the amount was paid as 1st instalment to the defacto complainant and further 6 cheques were given for further payment. Interim bail was also granted by this Court. Hence, the petitioner may be released on bail.

4. The learned counsel appearing for intervener would contend that the defacto complainant, believing the false promise given by the accused, invested huge amount of about Rs.2 crores in the accused company and the accused failed to repay the amount as promised and



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also executed forged mortgage deed of the property, which is not belonging to the accused. Only a part payment has been made by the accused and balance amount has to be recovered. Hence he strongly objected to grant bail to the accused.

5. The learned Government Advocate (Criminal Side) would submit that there are totally 3 accused and this petitioner is arrayed as A1. The petitioner along with other accused, induced the defacto complainant to invest money in their company by giving false promise to repay the same along with profit and in the guise of include the petitioner as partner in the company. Believing the words of the accused, the defacto complainant invested about Rs.2 crores in the accused company. But the accused failed to repay the same as promised and also executed a forged mortgage deed with respect to the property not belonging to the accused, as security for repayment. Hence he objected to grant bail to the petitioner.

6. Heard both side and perused the materials available on record.



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7. Considering the rival submissions on either side and considering the fact that a part payment has been made and also the petitioner has given cheques to the defacto complainant for further payment, considering the fact that this Court granted interim bail to the accused and taking into consideration the period of incarceration of the petitioner, I am inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, each of the petitioners 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 Court No.II, Chengalpattu** and on further conditions that:

[b] the petitioner shall report before the Judicial Magistrate Court No.II, Chengalpattu on the first working day of every English calendar month at 10.30 A.M. for 6 months.

[c] the petitioner shall not commit any offences of similar nature.



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[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 Judicial 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 269 B.N.S.

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index: Yes/No

Internet: Yes/No

Speaking/Non Speaking order



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To

1.The Judicial Magistrate Court No.II, Chengalpattu

2.The Inspector of Police,
CCB Land Grabbing,
Tambaram, Chennai.

3.The sub Jail, Chengalpattu.

4.The Public Prosecutor, High Court, Madras.

P.DHANABAL,J

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