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CrI.O.P.No.15341 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

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THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

CrI.O.P.No.15341 of 2024

Kadher Mohideen

... Petitioner

Vs.

State represented by
The Inspector of Police,
H-8 Thiruvottiyur Police Station,
Chennai.
Crime No.546 of 2024

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.546 of 2024 on the file of the respondent Police.

For Petitioner : Mr.S.Karthick

For Respondent : Mr.V.Meganathan
Government Advocate (crl.side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 28.05.2024,



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seeking bail in Crime No.546 of 2024 for the alleged offences punishable under Section 420 of IPC.

2. Learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is no way connected with the alleged offence and he has been suffering incarceration from 28.05.2024. He also submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for bail.

3. Learned Government Advocate (Criminal Side) raised objection for granting bail stating that the petitioner had cheated the de facto complainant, who is running a pawn shop, to the tune of Rs.17,400/-, by mortgaging a fake gold ring. He also submitted that the amount was recovered from the accused and the investigation is almost completed, however, if he is released on bail at this stage, he may abscond and not available for further investigation.



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4. Taking into consideration the facts and circumstances of the case and taking note of the facts that the amount was recovered from the petitioner and the investigation is also almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to certain conditions.

5. Accordingly, 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 (**out of which, one shall be the blood related surety**), for a like sum to the satisfaction of the learned **Judicial Magistrate, Thiruvottiur** 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 every Saturday at 10.30a.m., for a period of eight weeks and thereafter, as and when



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required for interrogation;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] 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]*;

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

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To

1. The Judicial Magistrate,
Thiruvottiyur.
2. The Inspector of Police,
H-8 Thiruvottiyur Police Station,
Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI, J.

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