



Crl.O.P.No.19019 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2024

CORAM :
THE HONOURABLE MR. JUSTICE **P.DHANABAL**

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Ramu @ Ramu Muthukaruppan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
CCB-II Veppery Police Station,
Chennai District.
(Crime No.89 of 2019)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under 483 of B.N.S.S., pleased to enlarge the petitioner on bail in Crime No.89 of 2019 on the file of the Inspector of police, CCB-II Veppery Police Station, Chennai City.

For Petitioner : Mr.M.Sudharsan

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.07.2024, for the alleged offence punishable under Section 420, 465, 467,



468, 471, 120(B) of IPC, in Crime No.89 of 2019, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the de-facto complainant has transferred a sum of Rs.3,38,50,000/- to the bank account of petitioner and other accused. When he demanded to return the money, they gave a bogus cheques. Hence the case.

3. Learned counsel for the petitioner would submit that the de-facto complainant gave a false complaint alleging that the petitioner has borrowed a sum of Rs.16,00,000/- from the de-facto complainant. In order to repay the said amount, he issued cheques and thereafter, the cheques were presented for collection; they were dishonoured, for which complaints under Section 138 of Negotiable Instrument Act in C.C.No.1441 & 1442 of 2018 and C.C.No.2616 of 2018 were also filed and the same are pending. Thereafter, the petitioner got anticipatory bail in Crl.O.P.No.11937 of 2022 dated 19.05.2022 on condition that the petitioner has to deposit a sum of Rs.10,000/- to the credit of the Crime No.89 of 2019. In the meantime, the



said bail was cancelled due to non-payment and now, the petitioner is on custody for more than 33 days. Therefore, he prayed for granting bail to the petitioner.

4. The learned counsel appearing for the intervener would submit that the petitioner cheated the de-facto complainant for about Rs.3,38,50,000/- and the offences are grave in nature. If he released on bail, he will tamper the witness and thereby strongly opposed to grant bail to the petitioner.

5. The learned Government Advocate (Crl.Side) appearing for the respondent/police would content that the de-facto complainant is the retired employee of Canara Bank. The accused along with others made false representation to the de-facto complainant and thereby, he paid a sum of Rs.3,38,50,000/-. When he asked to return the said amount, they issued cheques. But the cheques were dishonoured and thereby, they filed the complaint. The petitioner has already received a sum of Rs.30,50,000/- and this Court granted anticipatory bail on condition to deposit a sum of Rs.10,000/- but the said order has not been complied and thereby, the said



bail was cancelled later. Therefore, he strongly opposed to grant bail to the petitioner.

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

7. Considering the rival submission of the learned counsel on either side and considering the fact that this Court has already granted anticipatory bail and thereafter, due to non-compliance of the order, the said bail was cancelled; that the petitioner was arrested and he is in judicial custody and also considering that there was a money dispute pending between the parties and considering the period of incarceration undergone by the petitioner and considering all other factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

8. 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, each for a like sum to the satisfaction of the Judicial Magistrate-I, Poonamallee, and on further conditions that:-



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[a] the petitioner shall report before the CCB-II Veppery Police Station, Chennai District everyday at 10.30 a.m., until further orders.

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

[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 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 petitionenr relased 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 absconds, a fresh FIR can be registered under Section 269 BNS.

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1.The Judicial Magistrate-I,
Poonamallee.

2.The Inspector of Police,
CCB-II Veppery Police Station,
Chennai District.

3.The Superintendent,
Central Prison, Puzhal.

4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL,J.

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