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CrI.O.P.No.19264 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

CrI.O.P.No.19264 of 2024

Sathish Kumar

... Petitioner

Vs.

The State represented by,
The Sub-Inspector of Police,
H 8, Tiruvotriyur Police Station,
Chennai.
(Crime No. 684 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No.684 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.K.Shanmugam

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 27.06.2024, for the alleged offences punishable under Section 420 of IPC,



CrI.O.P.No.19264 of 2024

in Crime No.684 of 2024, on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that on 22.05.2024, at about 1.30 p.m, the petitioner along with other accused persons had cheated the defacto complainant to the tune of Rs.24,000/- for the purchase of two mobile phones and did not send money through G-pay to the defacto complainant's account. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submit that he has not committed any offence as alleged in the FIR. He was arrested and is in judicial custody for more than 60 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.



Crl.O.P.No.19264 of 2024

WEB COPY

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner along with other accused persons went to the defacto complainant's cellphone shop and bought two mobile phones worth about Rs.24,000/-, for which, the petitioner sent the payment through G-pay by showing the fake receipt. Later, the defacto complainant realized that the money was not sent to his account. He further submitted that the amount was recovered from the petitioner. He further submitted that the petitioner has one previous case, similar in nature, pending against him. However, he strongly opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the submission of the learned counsel on either side, considering the period of incarceration undergone by the petitioner and also taking note of the fact that the amount was recovered from the petitioner, and considering that the petitioner has one previous case, in which, he has been released on bail, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.



CrI.O.P.No.19264 of 2024

WEB COPY

7. 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, Tiruvotriyur, and on further conditions that:-

[a] the petitioner shall report before the respondent police 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 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].



Crl.O.P.No.19264 of 2024

WEB COPY

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

22.08.2024

drl

To

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

P.DHANABAL, J.



WEB COPY



Crl.O.P.No.19264 of 2024

drl

Crl.O.P.No.19264 of 2024

22.08.2024