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CRL O.P. No.19488 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.19488 of 2024

Sakthivel

... Petitioner / Accused-1

Vs

State rep. by
The Inspector of Police,
CCB, EDF-I, BETA-I,
Chennai.

... Respondent

[Cr. No.80 of 2024]

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.80 of 2024, on the file of the respondent.

For Petitioner : Mr.W.Camyles Gandhi

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.07.2024 for the offences punishable under Section 120B, 406 and 420 of IPC, in Crime No.80 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the defacto complainant was introduced to the petitioner and other accused through his friend. The petitioner represented himself as Customs Officer and obtained a sum of Rs.1,33,00,000/- from the defacto complainant for giving confiscated things through auction, wherein both of them entered into an agreement for the same, but to contra, the petitioner failed to tendered the things as promised to the defacto complainant. Thereafter, A2 approached the defacto complainant and cheated him a sum of Rs.74,00,000/- and thereafter, A3 also cheated him a sum of Rs.17,00,000/-. The accused and the petitioner, despite receiving the amount, neither taken confiscated things through auction nor returned the amount and thereby cheated the defacto complainant. Hence, the case.



3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that there is no previous case as against the petitioner and investigation has been completed. He would further submit that the petitioner has been in judicial custody for more than 54 days. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioner, along with the other accused, in order to take confiscated things, received a sum of Rs.1,33,00,000/- from the defacto complainant and thereafter, the accused neither taken confiscated things nor returned the amount to the defacto complainant. He would further submit that the entire transactions were made only by way of cash and hence, there is no proof for the same. He would also submit that there are no previous cases pending against the petitioner and investigation has been completed. However, he opposed to grant bail to the petitioner.

5. Heard both side learned counsel and perused the materials



available on record.

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6. Considering the representation made by both side learned counsel and considering that investigation has been almost completed and also taking into consideration the number of days of incarceration undergone by the petitioner and there are no previous cases pending as against the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the Petitioner 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 **Metropolitan Magistrate for the exclusive Trial of CCB Cases (Relating to cheating cases in Chennai) and CBCID Metro cases, Egmore, Chennai**, and on further conditions that;

[b] the Petitioner shall report before the respondent police, everyday at 10.30 a.m., until further orders;

[c] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[e] the Petitioner shall not abscond either during investigation or



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trial;

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[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]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

28.08.2024

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To

1.The Metropolitan Magistrate for the exclusive Trial of CCB Cases (Relating to cheating cases in Chennai) and CBCID Metro cases, Egmore, Chennai.

2.The Inspector of Police,
CCB, EDF-I, BETA-I,
Chennai.

3.Central Prison, Puzhal.

4.The Public Prosecutor, High Court, Madras.

P.DHANABAL,J.



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