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CRL O.P. No.20003 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.20003 of 2024

Mohammed Rafiq

... Petitioner / Accused-1

Vs

State rep. by
The Sub Inspector of Police,
Jolarpet Police Station,
Tirupattur District.

... Respondent

[Cr. No.499 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.499 of 2024, on the file of the respondent.

For Petitioner : Mr.A.Nafies

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 24.07.2024 for the offences punishable under Sections 120(b), 409, 417 and 420 of IPC, in Crime No.499 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that on 24.07.2024, the defacto complainant lodged a complaint stating that the petitioner, with the help of A2, who is the Manager of the Bank of Baroda, arranged a loan of Rs.10,000/- and hand over the same to the Mahalir Self-help Group, but, later on enquiry, it was found that the accused actually sanctioned Rs.1,00,000/- each, but gave only Rs.10,000/- to the defacto complainant and other members of the said self-help group and thereby involved in cheating. 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 he has been in judicial custody for more than 35 days.



Hence, he prays for grant of bail to the petitioner.

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4.The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioner along with the other accused obtained loan of Rs.1,00,000/- in the names of members of Mahalir Self-help Group and handed over only Rs.10,000/- to the members. Thereafter, they came to know about the misappropriation committed by the accused. He would further submit that there are no previous cases pending as against the petitioner and if the petitioner is released on bail, he will tamper the witnesses and investigation is still pending. Hence, he opposed to grant bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.

6. Considering the representation made by both side learned counsel and considering that there are no previous cases pending as against the petitioner and that the number of days of incarceration undergone by the petitioner and all other aspects, 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



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Thousand only) with two sureties each for a like sum to the satisfaction of the **Judicial Magistrate – 1, Tirupattur**, 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 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]; 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



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- 1.The Judicial Magistrate - 1, Tirupattur.
- 2.The Sub Inspector of Police,
Jolarpet Police Station,
Tirupattur District.
- 3.Central Prison, Vellore.
- 4.The Public Prosecutor, High Court, Madras.

P.DHANABAL,J.

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