



Crl.O.P.No.21858 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

CORAM

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

Crl.O.P.No.21858 of 2024

Nirmal Kumar

... Petitioner

Vs.

The State represented by,
The Sub-Inspector of Police,
Tiruvonnainallur Police Station,
Villupuram District.
(Crime No.129 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.129 of 2024, on the
file of the respondent Police.

For Petitioner : Mr.S.Saravana Kumar

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

For Intervenor : M/s.T.Gnana Banu

ORDER

The petitioner, who was arrested and remanded to judicial custody



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on 02.08.2024, for the alleged offence punishable under Section 420 of IPC, in Crime No.129 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is A2. A1, who is the father of A2 invited the defacto complainant to do paddy business and asked him to borrow money for the business. The defacto complainant also borrowed Rs.5,70,000/- and paid it to the accused persons. However, they did not return the amount. Subsequently, in the Panchayath, the accused persons assured to give Rs.4,50,000/-, but when the defacto complainant demanded the money, the petitioner refused to give it and threatened him with dire consequences. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that this is the second bail petition. He further submit that the petitioner is an innocent person, and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He further submits that the dispute between the petitioner and the defacto complainant is civil in nature, and he has made false allegations against the petitioner, as if he has committed cheating along with other accused. He further submit that the



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petitioner was arrested and is in judicial custody for more than 35 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned counsel for the intervenor raised objections stating that the accused person borrowed a loan of Rs.5,70,000/- for the paddy business, but failed to repay the amount. Later, the defacto complainant had approached Village Panchayatdar, and assured they would return Rs.4,50,000/-, however, the accused did not return the money, intending to deceive the defacto complainant and also threatened the him with dire consequences. Hence, he opposed to grant bail to the petitioner.

5. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are two accused in this case and the petitioner herein is ranked as A2. He further submit that the petitioners are son and father. A1 is the father and A2 is the son. He further submit that on the date of the alleged occurrence, the accused borrowed money for a sum of Rs.5,70,000/- from the defacto complainant for doing paddy business, subsequently, the accused person cheated the defacto complainant for not



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returning the money to the defacto complainant. He further submit that the petitioner has no previous cases pending against him. However, he opposed to grant bail to the petitioner.

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

7. Considering the submissions made by the learned counsel on either side, nature of offence, and also considering the business transaction between the parties and considering that the petitioner has no previous cases pending against him, and also considering the period of incarceration undergone by the petitioner, and also considering all others 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, Thiruvennainallur, and on further conditions that:-



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[a] the petitioner shall report before the respondent police, daily at 10.30 a.m., until further orders.

[b] 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;

[c] 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;

[d] the Petitioner shall not abscond 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]; and



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P.DHANABAL, J.

drl

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

10.09.2024

drl

To

- 1.The Judicial Magistrate,
Thiruvennainallur.
- 2.The Sub-Inspector of Police,
Tiruvennainallur Police Station,
Villupuram District.
- 3.The Superintendent,
District Jail, Vedampattu, Villupuram.
- 4.The Public Prosecutor,
High Court of Madras.

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(1/2)