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Crl.O.P.No.20875 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.20875 of 2024

Abdul Khadhar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
CBCID-HQRS,
ATC-Chennai.
(Crime No. 1 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. 1 of 2024, on the file
of the respondent Police.

For Petitioner : Mr.T.Elumalai

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 04.07.2024, for the alleged offences punishable under Sections 120(b),
420, 368, 371 of IPC, in Crime No.1 of 2024, on the file of the respondent



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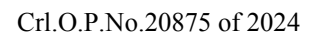
police, seeks bail.

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2. The case of the prosecution as per the defacto complainant in order to get a job abroad, the accused received the sum of Rs.1,65,000/- from the defacto complainant. Thereafter, the accused did not arrange the job and did not return the money. 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 has not committed any offence as alleged in the FIR. He further submit that the specific overt act against this petitioner is that he only given the flight ticket to the defacto complainant at Chennai Airport. He further submit that the petitioner was arrested and is in judicial custody for more than 65 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 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 by giving a false



6. Considering the submissions made by the learned counsel on either side, nature of offence, and considering the fact that the petitioner has given only flight ticket to the defacto complainant and all the accused were secured, 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.



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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 No.IV, Salem, 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 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



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himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]; and

[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 No.IV,
Salem.

2.The Inspector of Police,
CBCID-HQRS,
ATC-Chennai.

3.The Superintendent,
Central Prison, Salem.

4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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