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CRL O.P. No.21202 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.21202 of 2024

Arvind Kumar,
S/o.Loganathan

... Petitioner

Vs

State rep. by:-

The Inspector of Police,
District Crime Branch Police Station,
Namakkal District.
[Cr.No.09 of 2024]

... Respondent

PRAYER: - Criminal Original Petition filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioner/Accused in Crime No.09 of 2024 on the file of the respondent police.

For Petitioner : Mr.P.Shaganya

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



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ORDER

The petitioner/Accused-1, who was arrested and remanded to judicial custody on 16.07.2024 for the offences punishable under sections 420 and 114 of IPC in Crime No.09 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the complainant has been running a educational institution and he has been introduced with the petitioner as the petitioner was also running a educational institution in Malaysia. The petitioner had promised to arrange loan for the Defacto-complainant and introduced 2nd accused. The Defacto-complainant had paid an amount Rs.16,00,000/- to the petitioner and an amount of Rs.1,12,00,000/- to the 2nd accused. The defacto-complainant had paid all these amount in the pretext of believing that 1st and 2nd accused would arrange 100 crores loan. Hence, the complaint.



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3. The learned counsel for the petitioner would contend that the respondent police have registered a false case against this petitioner for the offences punishable under sections 420 and 114 of IPC. As per the prosecution case, the defacto-complainant is running an educational institution and the petitioner is also running an educational institution. While so, the petitioner had promised to arrange loan for the Defacto-complainant and the defacto-complainant had paid an amount of Rs.16,00,000/- to the petitioner/1st accused and an amount of Rs.1,12,00,000/- to 2nd accused. The defacto-complainant had paid all these amount in the pretext of believing that the 1st and 2nd accused would arrange 100 crores loan. In fact, the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. In fact, the petitioner had borrowed Rs.16,00,000/- as hand loan and admits the same whereas the 2nd accused who has received lumpsum amount from the Defacto-complainant and the act of the 2nd accused is no way connected with this petitioner. Hence, he seeks bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) would submit that the petitioner and the co-accused have cheated the Defacto-complainant for the sum of Rs.1,61,60,000/- and this petitioner received Rs.16,00,000/- and the co-accused had received Rs.1,12,00,000/- from the Defacto-complainant under the pretext that they would arrange loan for Rs.100,00,00,000/- and thereby they cheated the Defacto-complainant. The amount was not recovered and the investigation is at initial stage and thereby he strongly opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side and considering the fact that there is a money dispute pending between the parties and also no previous case is pending against the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:



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[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 learned **Judicial Magistrate No.2, Namakkal** and on further conditions that:

[b] the petitioner shall report before the respondent police daily at 10.00 a.m. until further orders;

[c] the petitioner shall attend in accordance with the conditions of the bond;

[d] the petitioner shall not commit any offence similar to the offence of which he is accused; or suspected, or of the commission of which he is suspected; and

[e] 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 or tamper with the evidence;



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[f] the petitioner shall not abscond either during investigation or trial;

[g] 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].

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

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index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
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To

- 1.The Judicial Magistrate No.2, Nammakkal.
2. The Inspector of Police,
District Crime Branch Police Station,
Namakkal District.
3. Central Prison (Men Ward), Coimbatore.
- 4.The Public Prosecutor,
High Court, Madras.



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P.DHANABAL,J
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