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CrI.O.P.No.20870 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2024

CORAM

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

CrI.O.P.No.20870 of 2024

Nithyakumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
CBCID, Ariyalur, Ariyalur District.
(Crime No. 1 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleaded to enlarge the petitioner on bail, in Crime No. 1 of 2024, pending on
the file of the respondent Police.

For Petitioner : Mr.R.Radha Pandian

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 14.04.2024, for the alleged offences punishable under Sections 120B, 420,
368, 370, 374 of IPC, in Crime No.1 of 2024, on the file of the respondent



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police, seeks bail.

2. The case of the prosecution is that the accused induced the defacto complainant by making a false promise and assurance of getting a job in Cambodia, had received a sum of Rs. 2 lakhs and cheated the defacto complainant.

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 petitioner induced the defacto complainant to get a job abroad and he was worked for four months and then he could not continue the job, for which, he made a complaint before the Indian embassy and then complaint was forwarded to the respondent police. He further submit that the date of alleged occurrence was on 14.04.2024 and the petitioner was arrested on 13.08.2024 and is in judicial custody for more than 25 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the defacto complainant is an M.Sc. Computer Science graduate and the petitioner, by giving a false promise to get a job abroad, sent the defacto complainant to Cambodia, where he was forced into cyber crime and police custody was also taken. He further submit that the part of the amount was also settled by the petitioner. He further submit that the petitioner has no previous cases pending against him and the investigation was also completed. However, he opposed to grant bail to the petitioner.

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

6. Considering the submissions made by the learned counsel on either side, and considering that the petitioner was already sent abroad and got employment and thereafter he came to India, and also considering that the petitioner has no previous cases pending, and also considering the nature of offence and also considering the part of the amount that was settled and considering the period of incarceration undergone by the petitioner, and also



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considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

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.I, Ariyalur, 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 nature.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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



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Kerala [(2005)AIR SCW 5560].

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

09.09.2024

drl

To

- 1.The Judicial Magistrate No.I,
Ariyalur.
- 2.The Inspector of Police,
CBCID, Ariyalur, Ariyalur District.
- 3.The Superintendent,
Sub Jail, Ariyalur.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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