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Crl.O.P.No.21312 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2024

CORAM

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

Crl.O.P.No.21312 of 2024

Sabananthan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Steel Plant Police Station,
Salem District.
(Crime No. 179 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. 179 of 2024, on the
file of the respondent Police.

For Petitioner : Mr.B.Vasudevan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 19.07.2024, for the alleged offence punishable under Sections 420, 468,
471 of IPC altered to Section 420, 468, 471 IPC and Section 14 of Foreigners



Crl.O.P.No.21312 of 2024

Act in Crime No.179 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner cheated the defacto complainant and others to the tune of Rs.13,00,000/- regarding spiritual tours for arranging flight tickets. On enquiry the defacto complainant came to know that the petitioner had deceived them by sending fake Indigo flight tickets. 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 out of Rs.13 lakhs, a sum of Rs.10,80,000/- was already recovered from the petitioner. He further submitted that based on the confession of one Raja, the petitioner is arrayed as an accused. He further submit that the petitioner was arrested and is in judicial custody for more than 50 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 the petitioner gave fake flight tickets to the



CrI.O.P.No.21312 of 2024

defacto complainant and others regarding spiritual tours, cheating them to the tune of Rs.13 lakhs. He further submits that the petitioner is a Sri Lankan Citizen, for which the respondent police initiated proceedings to detain him under Special camp at Trichy. He further submit that a sum of Rs.10,80,000/- was recovered from the petitioner at the time of arrest. 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 already an amount of Rs.10,80,000/- was recovered from the petitioner and the petitioner voluntarily come forward to pay a sum of Rs.2,20,000/- through Demand Draft in the name of the defacto complainant and also considering that the petitioner has no previous cases pending, and also considering the nature of offence and also considering the period of incarceration undergone by the petitioner, and also considering all others



Crl.O.P.No.21312 of 2024

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 Court No.I, Salem, and on further conditions that:-

[a] the petitioner shall deposit the Demand Draft for a sum of Rs.2,20,000/- (Rupees Two Lakhs Twenty Thousand only) to the credit of Crime No.179 of 2024 before the learned Judicial Magistrate Court No.I, Salem, at the time of furnishing sureties. On such deposit, the said Demand Draft shall be handed over to the de-facto complainant with proper identification and acknowledgment."

[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 nature.

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



CrI.O.P.No.21312 of 2024

WEB COPY

[e] the petitioner shall not tamper with evidence or witness 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].

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

8. Post the matter “for reporting compliance” on 26.09.2024.

drl

09.09.2024

P.DHANABAL, J.

drl



Crl.O.P.No.21312 of 2024

To
WEB COPY

- 1.The Judicial Magistrate Court No.I,
Salem.
- 2.The Inspector of Police,
Steel Plant Police Station,
Salem District.
- 3.The Superintendent,
Central Prison, Salem.
- 4.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.21312 of 2024

09.09.2024