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CRL O.P. No.21653 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.21653 of 2024

Vijay

... Petitioner / Accused

Vs

State rep. by
The Inspector of Police,
K-5, Peravallur Police Station,
Chennai.

(Crime No.76 of 2024)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.76 of 2024, on the file of the respondent.

For Petitioner : Mr.B.Ramesh Babu

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



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 30.07.2024 for the offences punishable under Sections 406, 420 and 120(B) of IPC, in Crime No.76 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the petitioner along with the other accused introduced themselves to the defacto complainant as if they are doing share market business in the name of Angel Trading Company, at Shenoy Nagar, Chennai, and induced the defacto complainant to invest Rs.50,00,000/- by way of cash and Rs.22,00,000/- through various transactions in their business. Thereafter, the defacto complainant came to know about the said Company through public and was cheated by them. When the defacto complainant asked them about the same, the accused refused to return the amount and threatened the defacto complainant with dire consequences. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He



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would further submit that the petitioner has been in judicial custody from 30.07.2024 and due to money dispute, a false complaint has been lodged.

He would also submit that A2 has been granted anticipatory bail by this Court and A1 also obtained anticipatory by the Hon'ble Supreme Court.

He would also submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioner along with the other accused, in the guise of running a share market business, induced the defacto complainant to invest a sum of Rs.50,00,000/- by way of cash and Rs.22,00,000/- through various transactions, in their business and thereafter, they neither give any profit nor return the amount paid by the defacto complainant and thereby cheated him. He would further submit that co-accused in this case were granted anticipatory bail. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.



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6. Considering the nature of offences and that co-accused in this case were granted anticipatory bail and that there is commercial transaction between the parties and also taking into consideration the number of days of incarceration undergone by the petitioner and all other aspects, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[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 **V Metropolitan Magistrate, Egmore, Chennai**, and on further conditions that;

[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 to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] 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;

[e] the Petitioner shall not abscond either during investigation or trial;



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[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]; and

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

04.09.2024

ata

To

- 1.The V Metropolitan Magistrate, Egmore, Chennai.
- 2.The Inspector of Police,
K-5, Peravallur Police Station,
Chennai.
- 3.Central Prison, Puzhal – II, Chennai.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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