



CRL O.P. No.22169 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.22169 of 2024

Poornima

... Petitioner / Accused-3

Vs

State rep. by
The Inspector of Police,
Central Crime Branch – I,
Vepery, Chennai.

(Crime No.234 of 2021)

... 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.234 of 2021, on the file of the respondent.

For Petitioner : Mr.C.Arunkumar

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



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CRL O.P. No.22169 of 2024

ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.07.2024 for the offences punishable under Sections 420, 409, 109 and 120(B) of IPC, in Crime No.234 of 2021, on the file of the respondent, seeks bail.

2.The case of the prosecution is that A1, who introduced himself as grandson of Ex-Governor, Rosaya and is having acquaintance with the politicians of ruling National Party along with the other accused, in the guise of arranging loan for the purpose of developing business, lured the defacto complainant, who was working as General Manager in Dharma Pharmacy Ltd., Adyar, Chennai, and the Chairman of the said firm, to part with money and asked them to transfer a sum of Rs.60 lakhs to the account of the petitioner. However, they failed to arrange any loan and on demand, they have issued cheques, but the same were dishonoured as insufficient funds, thereby cheated the defacto complainant. Hence, the case.



3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has falsely implicated in this case. He would further submit that the petitioner is only a name lender and he has nothing to do with the alleged offence and the petitioner has been in custody for more than 68 days. He would further submit that at the time of issuing NBW, the petitioner was underwent surgery and hence, he has no knowledge about the issuance of NBW. He would also submit that there is no previous case against the petitioner and A1 was already granted bail and 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, impersonated themselves as grandson of Ex-Governor, Rosaya and is having acquaintance with the politicians of ruling National Party, in the guise of obtaining loans upto Rs.75 crores, collected Rs.92 lakhs from the defacto complainant and his owner and thereafter, they neither secured any loan nor returned the said amount. He would further submit



that Rs.60 lakhs was transferred to this petitioner's account and the cheques issued by the accused were also dishonoured. He would also submit that there is no previous case against the petitioner and A1 in this case was already granted bail. However, he raised serious objections to grant bail to the petitioner.

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

6. Considering the nature of offences and that the main accused in this case was already released on bail and also considering the period of incarceration undergone by the petitioner and that there is no previous case pending against the petitioner and all other factors, 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 **Metropolitan Magistrate for Exclusive Trial of CCB Cases (Relating to Cheating Cases in Chennai and CBCID Metro Cases), Egmore, Chennai**, and on further conditions that;



CRL O.P. No.22169 of 2024

[b] the Petitioner shall report before the respondent police daily 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;

[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.

10.09.2024

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CRL O.P. No.22169 of 2024

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To

- 1.The Metropolitan Magistrate for Exclusive Trial of CCB Cases (Relating to Cheating Cases in Chennai and CBCID Metro Cases), Egmore, Chennai.
- 2.The Inspector of Police,
Central Crime Branch – I,
Vepery, Chennai.
- 3.Central Prison, Puzhal, Chennai – 66.
- 4.The Public Prosecutor, High Court, Madras.



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CRL O.P. No.22169 of 2024

P.DHANABAL,J.
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CRL.OP.No.22169 of 2024

10.09.2024