



CRL O.P. No.21838 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.21838 of 2024

V.Chandran

... Petitioner / Accused

Vs

State rep. by
The Inspector of Police,
District Crime Branch,
Vellore.

(Crime No.6 of 2022)

... 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.6 of 2022, on the file of the respondent.

For Petitioner : Mr.V.T.Balaji

For Intervenor : Mr.T.Muruganantham

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 16.07.2024 for the offence punishable under Section 420 of IPC, in Crime No.6 of 2022, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the petitioner is the retired Railway Inspector and in order to secure APRO post in Tamil Nadu Government Cement Corporation, has received a sum of Rs.22,00,000/- from the defacto complainant and thereafter, he neither secured any job nor returned the money, 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 been falsely implicated in this case. He would further submit that the petitioner has been in custody for more than 52 days and he is aged about 70 years and he is suffering from old age ailments. He would further submit that the petitioner is also one of the victims and he had paid a sum of Rs.40,00,000/- to another person to get job. Hence, he prays for grant of bail to the petitioner.



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4.The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioner, in order secure Government job for the defacto complainant, has received a sum of Rs.22,00,000/- and thereafter, cheated the defacto complainant. He would further submit that investigation has been completed and the case is now posed for framing of charges. However, he vehemently opposed to grant bail to the petitioner.

5.The learned counsel for the defacto complainant would submit that the petitioner, on the promise of securing Government job, has received Rs.22,00,00/- from the defacto complainant and thereafter, cheated him. Hence, he prays for dismissal of the petition.

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

7. Considering that investigation has been completed and also considering that the number of days of incarceration undergone by the petitioner and that the case is now posed for framing of charges and all other factors, 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 **Judicial Magistrate, Katpadi**, and on further conditions that;

[b] the Petitioner shall report before the jurisdictional Judicial Magistrate on all working days 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.

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To

- 1.The Judicial Magistrate, Katpadi.
- 2.The Inspector of Police,
District Crime Branch,
Vellore.
- 3.Central Prison, Vellore.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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