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CrI.O.P.No.21766 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2024

CORAM

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

CrI.O.P.No.21766 of 2024

Muhammed Sarbudeen

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
District Crime Branch,
Nagapattinam Police Station,
Nagapattinam 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 on the file
of the respondent Police.

For Petitioner : M/s.V.Mythili

For Respondent : M/s.G.V.Kasthuri,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 04.08.2024, for the alleged offence punishable under Sections 406 and 420



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of IPC, in Crime No.1 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused induced the de-facto complainant by giving a false promise and assurance of returning excess interest for their money and made them to deposit money in a private company. Later, by giving interest to the investors for few months and cheated them by not returning back even their deposited amount. Hence the case.

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 co-accused was also released on bail by this Court. He further submit that the petitioner could not pay the amount due to his financial problem. He would further submit that the petitioner was arrested and is in judicial custody for more than 35 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 petitioner (A1), who was well aware of the criminal intent and the modus of fraud, along with the other accused, cheated the de-facto complainant of Rs.10,00,000/- under the guise of giving excess interest of Rs.12,500/-, on monthly interest for the money they had deposited. He further submitted that the petitioner has no previous cases, pending against him. Hence, 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, there is a money dispute between the parties, and considering the period of incarceration undergone by the petitioner, and co-accused was also released on bail, and the petitioners has no previous cases, pending against him, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.



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

[c] 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;

[d] the Petitioner shall not abscond 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



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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

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

11.09.2024

drl

To

- 1.The Judicial Magistrate No.I,
Nagapattinam.
- 2.The Inspector of Police,
District Crime Branch,
Nagapattinam Police Station,
Nagapattinam District.
- 3.The Superintendent,
District Jail, Nagapattinam.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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