



WEB COPY



CrI.O.P.No.21966 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.21966 of 2024

T.Gnanaprakasam

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
District Crime Branch,
Kanchipuram District.
(Crime No. 9 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No. 9 of 2022 on the file
of the respondent Police.

For Petitioner : Mr.J.Jayan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 01.07.2024 for the alleged offence punishable under Sections 465, 468,
471, 420 of IPC, in Crime No.9 of 2022, on the file of the respondent police,



CrI.O.P.No.21966 of 2024

seeks bail.

2. The case of the prosecution as per the defacto complainant is that during the period of 2019, the defacto complainant approached the petitioner for a job in the High Court. The petitioner allegedly received Rs.4,50,000/- for this purpose. Further, the defacto complainant paid Rs.3,00,000/- to the petitioner for a job for a relative. It is further alleged that the petitioner issued a fake appointment order, for which, he sought for the repayment of the amount from the petitioner, and the same was refused by the petitioner. Hence, the complaint.

3. The learned counsel 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 that the amount was directly given to one Rajesh Kumar and appointment orders were issued to some persons. Further, the said appointment orders given by him were fabricated. He further submit that the said Rajesh Kumar, committed suicide, due to mental agony regarding return of money, for which, his wife given police complaint, based on which, the petitioner was



Crl.O.P.No.21966 of 2024

arrayed as one of the accused. He further submitted that the petitioner is in custody for more than 40 days, and is ready to abide by any conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner, on the false promise of getting a job as an Assistant in High Court, has induced the de-facto complainant and his relatives and received a sum of Rs.7,50,000/- and cheated them. He further submit that the appointment orders given by the accused were fake documents, for which, the defacto complainant has lodged a present against against the respondent police. He further submits that the petitioner has no previous case, pending against him and the investigation was almost completed. 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



Crl.O.P.No.21966 of 2024

either side, nature of offence, and the petitioner has no previous case pending against him, investigation was completed, and also considering the period of incarceration undergone by the petitioner, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

6. 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, Kanchipuram, 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



CrI.O.P.No.21966 of 2024

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 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

P.DHANABAL, J.



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Crl.O.P.No.21966 of 2024

drl

To

- 1.The Judicial Magistrate No.I,
Kanchipuram.
- 2.The Inspector of Police,
District Crime Branch,
Kanchipuram District.
- 3.The Superintendent,
Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.21966 of 2024

11.09.2024