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CRL O.P. No.22233 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.22233 of 2024

Senthil

... Petitioner / Accused

Vs

State rep. by
The Inspector of Police,
Thiruthuraipoondi Police Station,
Thiruvarur District.

(Crime No.433 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.433 of 2024, on the file of the respondent.

For Petitioner : Mr.M.Ramiah

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 22.07.2024 for the offences punishable under Sections 406 and 420 of IPC, in Crime No.433 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, in the guise of obtaining car loan of Rs.7,81,620/-, conspired together, have received a sum of Rs.1,85,000/- from the defacto complainant and thereafter, the petitioner, who is responsible for the money paid by the petitioner, has not deposited the said money in the Company's account whereas he has deposited it in his wife's account, when the defacto complainant questioned the same, the accused threatened the defacto complainant and refused to return the money. 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 has been in judicial custody for more than 40 days and he is ready to abide by any stringent condition that may



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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 obtaining car loan of Rs.7,81,620/-, conspired together, has received Rs.1,85,000/- from the defacto complainant and thereafter, they failed to obtain any loan and refused to return the amount and thereby cheated the defacto complainant. He would further submit that there is no previous case against the petitioner. 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 that there is a money dispute in respect of payment of dues to the vehicle and that there is no previous case against the petitioner and considering the period 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



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Thousand only) with two sureties each for a like sum to the satisfaction of the **Judicial Magistrate, Thiruthuraipoondi**, and on further conditions that;

[b] the Petitioner shall report before the respondent police daily at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation.

[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
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- 1.The Judicial Magistrate, Thiruthuraipoondi.
- 2.The Inspector of Police,
Thiruthuraipoondi Police Station,
Thiruvarur District.
- 3.Sub Jail, Thiruthuraipoondi.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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