



CRL O.P. No.22260 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

**CRL OP.No.22260 of 2024**

Gananathan

... Petitioner / Accused

Vs

State rep. by  
The Station House Officer,  
DCB Police Station,  
Cuddalore District.

(Crime No.31 of 2023)

... 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.31 of 2023, on the file of the respondent.

For Petitioner : Mr.K.Gandhi Kumar

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

For Intervenor : Mr.N.U.Prasanna



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## **ORDER**

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The petitioner, who was arrested and remanded to judicial custody on 21.08.2024 for the offences punishable under Sections 406 and 420 of IPC, in Crime No.31 of 2023, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the defacto complainant, who is working in abroad, and the petitioner are relatives. The petitioner approached the defacto complainant saying that if we lend money for interest, we can earn more money, and received Rs.10,00,000/- from the defacto complainant and Rs.5,00,000/- from the defacto complainant's wife. Further, the petitioner also instigated the defacto complainant to purchase a car in partnership. Thereafter, the petitioner neither gave any profit nor return the money and 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 there was money dispute between the petitioner and the defacto complainant, due to which, a false complaint



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has been lodged against the petitioner. He would further submit that the petitioner has been in custody from 21.08.2024 and there is no previous case against the petitioner. 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, in the guise of running money lending business, has received totally a sum of Rs.15,00,000/- and also a Xylo car from the petitioner and thereafter, 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.The learned counsel for the defacto complainant would submit that the petitioner, in order to give higher profit, has received a sum of Rs.15,00,000/- by three installments from the defacto complainant and his wife and also induced the defacto complainant to purchase a Xylo car in partnership, cheated the defacto complainant. Hence, he raised serious objections to grant bail to the petitioner.



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

7. Considering that the defacto complainant and the petitioner are relatives and that there are money transactions between them and also considering that no previous case is pending against the petitioner and the petitioner is in custody from 21.08.2024 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 **Judicial Magistrate No.I, Cuddalore**, 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;



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[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.

12.09.2024

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To

1.The Judicial Magistrate No.I, Cuddalore.

2.The Station House Officer,  
DCB Police Station,  
Cuddalore District.

3.Central Prison, Cuddalore.

4.The Public Prosecutor, High Court, Madras.



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**P.DHANABAL,J.**  
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