



CRL O.P. No.22874 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.22874 of 2024

Kannathasan

... Petitioner / Accused

Vs

State rep. by
The Inspector of Police,
CBCID, Thiruvavarur.

(Crime No.01 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.01 of 2024, on the file of the respondent.

For Petitioner : Mr.C.Prabakaran

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 27.08.2024 for the offences punishable under Sections 120(B), 420, 368, 370 of IPC @ 120(B), 420, 368, 371 of IPC and Section 10 r/w 4 of Immigration Act, 1983, in Crime No.01 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the defacto complainant is an Engineering Graduate and awaiting a job. While so, the petitioner approached the defacto complainant and received a sum of Rs.2,00,300/- from the defacto complainant for arranging job at abroad and thereafter, the defacto complainant was sent to Thailand and later transferred to Cambodia wherein he was asked to do scamming job which is not convenient for him and hence, he returned to India. Subsequently, when the defacto complainant approached the petitioner for returning the amount paid by him, the petitioner refused to repay the money and thereby cheated the defacto complainant. Hence, the case.



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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 amount paid by the defacto complainant was spent for his travel expenses. He would further submit that the petitioner has been in custody from 27.08.2024 and there is no previous case against the petitioner. He would further submit that the petitioner is ready to abide by any stringent condition that may 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, in the guise of obtaining job in abroad, received a sum of Rs.3,00,000/- from the defacto complainant and thereafter, he neither secured any job nor returned the money. He would further submit that there is no previous case against the petitioner. However, he opposed to grant bail to the petitioner.

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



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6. Considering the nature of offences charged against the petitioner and that no previous case is pending against the petitioner and also taking into consideration the number of days 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 Thousand only) with two sureties each for a like sum to the satisfaction of the **Chief Judicial Magistrate Court, Thiruvaur**, and on further conditions that;

[b] the Petitioner shall report before the respondent police everyday 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



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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.

18.09.2024

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To

- 1.The Chief Judicial Magistrate Court, Thiruvarur.
- 2.Sub Jail, Nagapattinam.
- 2.The Inspector of Police,
CBCID, Thiruvarur.
- 3.The Public Prosecutor, High Court, Madras.

P.DHANABAL,J.

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