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Crl.O.P.No.23466 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.23466 of 2024

Sekarbabu

...Petitioner/Accused No.1

Vs.

State rep by
The Inspector of Police,
Shoolagiri Police Station
Krishnagiri District
(Crime No.257 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on bail in Cr.No. 257 of 2024 on the file of the respondent police.

For Petitioner : Mr. P.M.Jayachandran

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



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ORDER

The petitioner, who was arrested on 20.08.2024 and remanded to judicial custody on the same day for the offences under Sections 406, 420 and 387 of IPC, in Crime No. 257 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is a commission agent for exchanging Torn old currency notes from the Bank. While so, the petitioner's friend introduced A1 stating that he is having 30,00,000/- of Rs.2000/- notes and asked the de-facto complainant to pay Rs.20,00,000/- in exchange and A1 would give Rs.30,00,000/- of Rs.2000 notes and arrange the cash for the same. Therefore, on 30.05.2024, all the accused and the defacto complainant gone to the petitioner's farm house wherein the defacto complainant had handed over cash of Rs.20,00,000/- to A1 and he asked in turn of Rs.30,00,000/- of Rs.2000 currency notes. But in turn the accused persons A1 & A2 have threatened into go away and all of them went out of farm house and the defacto complainant waited in the farm house till 900 pm but the A1 have



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not turned up. Hence the complaint.

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3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case and he is a law-abiding citizen and he is ready to furnish substantial sureties for his due release on bail; therefore, he prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) objected for granting bail to the petitioner stating that there are totally five accused in this case and the petitioner along with other accused had collected a sum of R.20 lakhs from the defacto complainant by given assurance that he would be given Rs.30 lakhs for the same, but he has not paid the amount and thereby cheated the defacto complainant. He would further submit that already co-accused have been granted bail and that there is one previous case against the petitioner.

5. Heard both sides and perused the materials available on record.



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6. Considering the submissions made on both sides and also considering the nature of the charges levelled against the petitioner and already the co-accused have been released on bail and also taking into consideration the period of incarceration undergone by the petitioner and though the petitioner has one previous case, in that case, he has been granted bail, this Court is inclined to grant bail to the petitioner with certain conditions:

[a]. 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 court of *Judicial Magistrate No.1, Hosur*, and on further conditions that:

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

[c] The petitioner shall attend in accordance with the conditions of the bond;



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[d] The petitioner shall not commit any offence similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[e] The petitioner shall not abscond either during investigation or trial;

[f] 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 or tamper with evidence;

[g] on breach of any of the aforesaid conditions, the learned 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



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[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the BNS.

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vsg

(1/2)

To

1.Judicial Magistrate No.I, Hosur.

2.Sub Jail Prison, Theni.

3.The Inspector of Police,
Shoolagiri Police Station
Krishnagiri District.

4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

vsg



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