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Crl.O.P.No.24187 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2024

CORAM

**THE HON'BLE MR. JUSTICE P.DHANABAL**

**Crl.O.P.No.24187 of 2024**

Bharathiraja

...Petitioner/Accused

**Vs.**

The State rep by  
The Inspector of Police,  
Pachal Police Station  
Thiruvannamalai District.  
(Crime No.169 of 2023)

...Respondent/Complainant

**PRAYER:** Criminal Original Petition filed under Section 483 of BNS Act., praying to enlarge the petitioner on bail in C.C.No.266 of 2023 pending before the learned Judicial Magistrate, Chengam.

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For Petitioner : Mr. V.Arunkumar

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

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## **ORDER**

The petitioner seeks bail in C.C.No. 266 of 2023 on the file of the learned Judicial Magistrate Court, Chengam and in Crime No.169 of 2023 on the file of the respondent police, for the offences under Sections 420, 454 and 380 of IPC. The petitioner has been remanded to judicial custody on 25.07.2024 on execution of the PT warrant issued against him.

2.The case of the prosecution is that the petitioner had cheated the defacto complainant and also theft of gold jewels and cash of Rs.7,000/-. Hence, this case.

3.Learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the name of the petitioner was not at all mentioned in the FIR. Hence, he prays for the grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) submitted that the petitioner had cheated the defacto complainant and also theft of gold jewels and cash of Rs.7,000/-. He would further submit that the absconding charge sheet has been filed and there are some previous case against the petitioner. Hence, he vehemently opposed granting bail to the petitioner.

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

6. Considering the rival submissions on either side, the fact that the investigation has been filed and the absconding charge sheet has been also filed and also considering the period of incarceration undergone by the petitioner and though the petitioner is having some previous cases and in all those cases, he was granted bail, this Court is inclined to grant bail to the petitioner with certain conditions:

7. 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



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***Judicial Magistrate, Chengam***, and on further conditions that :

**[a] the petitioner shall report before the Trial Court on all working days at 10.30 a.m., until further orders.**

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

**[c]** 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;

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

**[e]** 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;



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[f] 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

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

**30.09.2024**

vsg

To

1. Judicial Magistrate, Chengam.
2. District Jail, Salem Central
3. The Inspector of Police,  
Pachal Police Station  
Thiruvannamalai District.
4. The Public Prosecutor,



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High Court of Madras.

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**P.DHANABAL, J.**

vsg

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