



WEB COPY



Crl.O.P.No.23910 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2024

CORAM

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

Crl.O.P.No.23910 of 2024

Deepak

...Petitioner/Accused - 2

Vs.

The State Rep by  
The Inspector of Police,  
G-3, Kilpauk Police Station,  
Chennai,  
(Crime No.180 of 2024)

...Respondent/Complainant

**PRAYER:** Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioner on bail in Crime No.180 of 2024 on the file of respondent police.

For Petitioner : Mr.B.Sankgar Ganesh

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



WEB COPY



CrI.O.P.No.23910 of 2024

## **ORDER**

The petitioner/A2, who was arrested and remanded to judicial custody on 08.08.2024 for the offences under Sections 406 and 420 of the IPC altered to Sections 419, 465, 468, 471 and 420 of the IPC in Crime No.180 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the de facto complainant owns a car bearing Reg.No.TN 34 X 6786 Mahindra XUV-500. The petitioner hired that car from the de facto complainant for rental purposes through a Zoom Car App by giving his Aadhar card copy; that the petitioner did not return the car after the expiry of the period to return it; that the GPS was also removed from the car; and that when the de facto complainant tried to contact the petitioner through phone, it was switched off. Hence the complaint.

3. Learned counsel for the petitioner/A2 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



Crl.O.P.No.23910 of 2024

case. He also submitted that the co-accused in this case was arrested and released on bail; and that the property was also recovered. He further submitted that the petitioner has been in custody since 08.08.2024; that he is a law-abiding citizen; that he is ready to furnish substantial sureties for his due release on bail; and therefore, he prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner cheated the de facto complainant via online by giving Aadhar card proof and hired a car from him and failed to return it back. He further submitted that there are no previous cases pending against the petitioner, that the co-accused was arrested and released on bail, and that the investigation was also completed. However, he vehemently opposed the grant of bail to the petitioner.

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



CrI.O.P.No.23910 of 2024

WEB COPY

6. Considering the representation made by both sides, the nature of offences, that the investigation was completed, that there are no previous cases pending against the petitioner, that the property was also recovered, that the co-accused was arrested and released on bail, and also taking into consideration the period of incarceration undergone by the petitioner, 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 learned *II Metropolitan Magistrate, Egmore, Chennai* and on further conditions that:

**[a] the petitioner shall report before the Jurisdictional Magistrate 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 offences of



CrI.O.P.No.23910 of 2024

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 or tamper with the evidence;

[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.

**27.09.2024**

*dk*

To

1.The II Metropolitan Magistrate,



Crl.O.P.No.23910 of 2024

Egmore,  
Chennai.

**P.DHANABAL, J.**

*dk*

- 2.The Superintendent of Prison,  
Central Prison – II, Puzhal, Chennai.
- 3.The Inspector of Police,  
G-3, Kilpauk Police Station,  
Chennai,
- 4.The Public Prosecutor,  
High Court of Madras.

Crl.O.P.No.23910 of 2024



WEB COPY



CrI.O.P.No.23910 of 2024

27.09.2024