



Crl.O.P.No.26824 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM

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

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1.Naresh Babu

2.Gopi @ Gopi raj

3.Devaraj

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Natrampalli Police Station,
Thirupathur District.
(Crime No. 427 of 2024).

... Respondents

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioners on bail, in Crime No. 427 of 2024 on the
file of the respondent Police.

For Petitioners : Mr.D.Balaji

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

ORDER

The petitioners/A1 to A3, who were arrested and remanded to



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judicial custody on 22.09.2024, for the alleged offence punishable under Sections 61(2)(a), 204, 205, 318(4) of BNS, in Crime No.427 of 2024, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant is running a lorry business, he met a loss, for which, he came forward to obtain a loan of Rs.2,50,00,000/- by way of mortgaging his house, the defacto complainant paid an advance amount of Rs.4 lakhs to the first petitioner. Thereafter, the petitioner along with other accused conspired together by introducing themselves as Q branch officers, and claimed they suspected the money, thereby, they cheated the defacto complainant. Hence, the complaint.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. They have not committed any offence as alleged in the FIR. He further submits that there is no specific overt act against the petitioners. He further submitted that the petitioners were arrested and they are in judicial custody



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from 22.09.2024 and they are ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that there are totally 8 accused in this case and the petitioners herein are arrayed as A1 to A3. He further submits that on the date of the alleged occurrence, the petitioner along with other accused had cheated the defacto complainant for Rs.4 lakhs, for which, the first accused person instructed the defacto complainant to obtain loan, due to which, the other accused persons introduced themselves as Q branch officers and snatched the money. He further submits that the amount was not recovered from the petitioners. He further submits that the first and third petitioners have one previous cases and the second petitioner has five previous cases, pending against them. Hence, he opposed to grant bail to the petitioners.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the nature of offence charged against the petitioners,



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considering the period of incarceration undergone by the petitioners from 22.09.2024, and though the petitioners have some previous cases, in all the cases, they have been released on bail, also considering all others factors, I am inclined to grant bail to the petitioners, subject to certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail on her executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties, for a like sum to the satisfaction of the Judicial Magistrate No.3, Thirupathur, Thirupathur District, and on further conditions that:-

[a] the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

[b] the petitioners 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;

[c] the petitioners 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;

[d] the petitioners shall not abscond either during investigation or trial;



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[e] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

29.10.2024

drl

To

- 1.The Judicial Magistrate No.3,
Thirupathur, Thirupathur District.
- 2.The Inspector of Police,
Natrampalli Police Station,
Thirupathur District.
- 3.The Superintendent,
Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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