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Crl.O.P.No.27330 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.12.2024

CORAM

THE HONOURABLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.27330 of 2024

Vinothkumar

.... Petitioner

Vs

State by
Inspector of Police,
Sadras Police Station,
Chengalpet District.
(Crime No.281 of 2024)

.... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the petitioner on bail in the event of his arrest in connection with Crime No. 281 of 2024 pending on the file of the respondent police.

For Petitioner : Mr.Balaji Manickam

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

ORDER

Apprehending arrest in connection with Crime No.281 of 2024 registered for the offences punishable under Sections 406 and 420 of IPC, the present petition has been filed seeking anticipatory bail.



WEB COPY 2. The case of the prosecution, as per the defacto complainant Sekar, is that the accused, Sathiskumar, approached the defacto complainant and induced him by claiming that he was running a lorry contract business. Based on this inducement, the defacto complainant attached the lorries belong to several persons. Later the accused failed to pay the agreed amount or return the lorries, thereby cheating the defacto complainant and the other lorry owners. Hence, the complaint.

3. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. Learned counsel for the petitioner would submit that the petitioner is a contractor, who obtained a contract for running lorries from Sivaganga for various projects. Likewise the petitioner entered into an agreement with the said Sathiskumar. He further submits that the petitioner was running certain lorries, and later, the owners, who have entrusted the vehicles, took back the lorries from the petitioner. He further submitted that the petitioner was summoned by the respondent police and the petitioner has appeared before them and also answered the queries. While so, based on the confession allegedly made by the main



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accused, the petitioner was sought to be arrested. He also submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

4. The case of the prosecution as put forth by the learned Government Advocate (Crl. Side) appearing for the respondent Police, opposing for grant of anticipatory bail, is that the accused, Sathiskumar, had hired lorries belonging to the defacto complainant and others. Later he neither paid the rental amount nor returned the lorries. He further submitted that the arrested accused had confessed that the lorries had been entrusted to the petitioner. He also submitted that the investigation is pending and the arrested accused has been enlarged on bail.

5. Having heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and accordingly the petitioner is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate,



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Thirukalukundram, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), each with two sureties, each for a like sum to the satisfaction of the respondent Police or the Police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

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

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

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

[e] 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];



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

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Index : Yes/No

Internet : Yes/No

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To

1. The Inspector of Police,
Sadras Police Station,
Chengalpet District.

2. The Public Prosecutor,
High Court, Madras.

A.D.JAGADISH CHANDIRA, J.



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