



Crl.O.P.No.27916 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.27916 of 2024

Mariyapeterraja

... Petitioner

Vs.

State represented by,
Inspector of Police
Avadi Tank Factory,
Avadi, Chennai
(Crime No.541 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner on bail, in connection with the Crime No.541 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.A.D.Janarthanan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 19.09.2024, seeking bail in Crime No.541 of 2024 registered for the offence under Sections 406, 420 of IPC.



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2. The case of the prosecution is that the petitioner under the guise of securing Government Job for the son of the defacto complainant in Port Trust or DMS, had received a sum of Rs.3 lakhs from the defacto complainant and thereafter, cheated him. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and a false case has been foisted against him. He further submitted that a money transaction between the parties has been falsely projected as a case of cheating. He also submitted that the petitioner is in custody from 19.09.2024 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner under the guise of securing Government Job for the son of the defacto complainant, had received a sum of Rs.3 lakhs from the defacto complainant by way of cash as well as via G-pay and thereafter, the petitioner neither secured any job nor returned the money and thereby, cheated the defacto complainant. Hence, he opposed for



the grant of bail to the petitioner.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering 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.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Ambattur**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



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

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

[d] the petitioner shall not tamper with evidence or witness during 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]*;

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

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To

1. The Judicial Magistrate,
Ambattur
2. Inspector of Police
Avadi Tank Factory,
Avadi, Chennai
3. The Superintendent of Prison
Puzhal
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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