



Crl.O.P.No.27975 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2024

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

Crl.O.P.No.27975 of 2024

A.B.Fazal Ahamed

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
T-13, Chitlapakkam Police Station.
Chennai.

(Crime No.164 of 2023).

... 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.164 of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Yogarajasekar

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

For Intervenor : Mr.D.Jeyasekar

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 08.10.2024, seeking



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bail in Crime No.164 of 2023 registered for the offence under Section 420 of IPC and Section 66(c) of Information Technology Act.

2. The case of the prosecution is that the petitioner/A1 had induced the de facto complainant to invest in the companies owned by the other accused and cheated him to the tune of Rs.41 lakhs. Hence the case.

3. Learned counsel appearing 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 petitioner and the de facto complainant are colleagues in IBM and since the petitioner/A1 had earlier deposited in the other accused's companies, the de facto complainant also expressed his interest to deposit in the said companies, however, through the petitioner only a sum of Rs.9lakhs has been en routed to the accused company and the remaining amounts were directly paid by the de facto complainant, therefore, the petitioner cannot be held responsible for the same. He further submitted that the case is borne out of documents and the petitioner, who is also the victim in this case, has been in custody from 08.10.2024. Hence, he prayed



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for grant of bail to the petitioner stating that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while objecting for grant of bail to the petitioner, submitted that the petitioner/A1 and the de facto complainant are friends and the petitioner had induced the de facto complainant to make investment in the companies owned by A2 to A4 and all the accused joined together had cheated the de facto complainant to the tune of Rs.41 lakhs. He further submitted that as far as this petitioner is concerned, through his account a sum of Rs.9 lakhs has been transferred.

5. The learned counsel appearing for the de facto complainant submitted that believing the assurance given by the petitioner/A1, the de facto complainant had deposited the amount, whereas, he was cheated by him. Hence he vehemently opposed for granting bail to the petitioner.

6. Heard the learned counsel appearing for both the petitioner and the de facto complainant and the learned Government Advocate (Crl.Side)



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appearing for the respondent Police and perused the materials available on record including the counter filed by the respondent Police.

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.I, Tambaram**, 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;

[b] the petitioner shall report before the respondent Police, everyday at 06.30 p.m., until further orders;

[c] the petitioner shall not abscond during either



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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.

12.11.2024

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To

1. The Judicial Magistrate No.I,
Tambaram.
2. The Inspector of Police,
T-13, Chitlapakkam Police Station,
Chennai.
3. The Superintendent,
Central Prison -II,
Puzhal, Chennai
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.



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