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CrI.O.P.No.27962 of 2024

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

CrI.O.P.No.27962 of 2024

Arun @ Angappan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
R1, Mambalam Police Station.
Chennai.
(Crime No.39 of 2022).

... 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.39 of 2022, pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.Arun

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody, seeking bail in Crime No.39 of 2022 registered for the offence under Sections 406 and 420 of IPC.



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2. The case of the prosecution is that the accused, by giving assurance that he could get a job in Revenue Department, had received a sum of Rs.25,95,000/- from the de facto complainant and others and cheated them. 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 a case of financial transaction has been falsely projected as a case of job racketing. He further submitted that the petitioner is in custody from 25.09.2024. Hence, he prayed 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/ accused, under the guise of getting job in Revenue Department, had induced the de facto complainant and others, received a sum of Rs.25,95,000/- from them and cheated them. He further submitted that the petitioner was initially arrested on 11.01.2024 and on the



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undertaking given by him that he was ready to settle the amount to the victims, the learned XVII Metropolitan Magistrate, Saidapet, has granted bail to him in Crl.M.P.No.1096 of 2024 on 30.01.2024, whereas, the petitioner has failed to comply with the same and since he was arrested in yet another case registered for the similar offence, he was arrested in this case under PT warrant. He further submitted that three previous cases are pending against the petitioner.

5. In reply, the learned counsel appearing for the petitioner submitted that the petitioner had partially complied with the order passed in Crl.M.P.No.1096 of 2024 and since, he was arrested in another case, he was unable to comply with the undertaking given by him and thereby, he has been remanded to judicial custody in this case. He further submitted that this Court as well as the Hon'ble Apex Court had repeatedly held that the petitioner cannot be compelled to pay the amount and thereby, the petitioner, to show his bonafide, without prejudice to his defense and contention, is ready and willing to deposit the original title deeds of an immovable property worth about Rs.15 lakhs, before the Court concerned. Hence he prayed for grant of bail to the petitioner.



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6. 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.

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 and also considering the fact that the petitioner is volunteered to deposit original title deeds of an immovable property worth about Rs.15 lakhs to the credit of this crime number, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, **the petitioner is directed to deposit the original title deeds of an immovable property not less than the value of Rs.15 lakhs (standing in the name of the petitioner or his relatives or his friends) to the credit of Crime No.39 of 2022 before the Court concerned,** without prejudice to his rights and contentions before the trial Court and on such deposit, the petitioner is ordered to be released on bail on his executing



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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 **XVII Metropolitan Magistrate, Saidapet, Chennai**, 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 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]***;



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A.D.JAGADISH CHANDIRA.,J.

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[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 XVII Metropolitan Magistrate,
Saidapet, Chennai.
2. The Inspector of Police,
R1, Mambalam Police Station,
Chennai.
3. The Superintendent,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.

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