



Crl.O.P.No.28153 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2024

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

Crl.O.P.No.28153 of 2024

1. Vijay

2. Vinoth Kumar

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
CCB, Avadi Police Station.
Chennai.
(Crime No.84 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioners on bail, in connection with the Crime No.84 of 2024, pending investigation on the file of the respondent Police.

For Petitioners : Mr.C.Johnson Samuel

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

ORDER

This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 27.09.2024, seeking



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bail in Crime No.84 of 2024 registered for the offence under Sections 406 and 420 of IPC r/w 34 IPC.

2. The case of the prosecution is that the accused, by giving assurance that they could get a job in Railways, had received a sum of Rs.10,00,000/- from the de facto complainant and cheated him. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have 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 petitioners are in custody from 25.09.2024, hence, he prayed for grant of bail to the petitioners stating that the petitioners are 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 petitioners, submitted that the petitioners, who are arrayed as A3 and A4 respectively, in



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the guise of getting job in Railways, had induced the de facto complainant, received a sum of Rs.10,00,000/- from him through online transaction and cheated him. He also submitted that the first petitioner herein/A3 had obtained a sum of Rs.3lakhs and as far as the second petitioner/A4 is concerned, he had received a sum of Rs.4 lakhs from the de facto complainant. He further submitted that the case is under investigation and no recovery was made from the accused.

5. In reply, the learned counsel appearing for the petitioners submitted that the petitioners, to show their bonafide, without prejudice to their defense and contention, are ready and willing to deposit a sum of Rs.1,50,000/- and Rs.2,00,000/- respectively to the credit of crime number before the Court concerned. Hence, he prayed for grant of bail to the petitioners.

6. Heard the learned counsel appearing for the petitioners, the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record including the counter filed by the respondent Police.



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7. Merely because the petitioners deposit the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

8. 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 petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

9. Accordingly, **the first petitioner/A3 is directed to deposit a sum of Rs.1,50,000/- to the credit of Crime No.84 of 2024 and the second petitioner/A4 is directed to deposit a sum of Rs.2,00,000/- to the credit of Crime No.84 of 2024 before the Court concerned**, without prejudice to their rights and contentions before the trial Court and on such deposit, the petitioners are ordered to be released on bail on their executing separate bond each 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 No.I, Poonamallee**, and on further conditions that :



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

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

[d] the petitioners 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 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]***;

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

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A.D.JAGADISH CHANDIRA.,J.

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To

1. The Judicial Magistrate No.I,
Poonamallee.
2. The Inspector of Police,
CCB, Avadi Police Station,
Chennai.
3. The Superintendent,
Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

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