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CrI.O.P.No.28219 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2024

CORAM

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

CrI.O.P.No.28219 of 2024

Sithanathan

... Petitioner

Vs.

The State represented by,
The Station House Officer,
District Crime Branch,
Cuddalore District.
(Crime No.35 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.35 of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Jayaprathap

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

ORDER

This Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 13.09.2024, seeking bail in Crime No.35 of 2023 registered for the offence under Section 420 of IPC.



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2. The case of the prosecution is that, the petitioner, in the guise of getting job of the defacto complainant, had received a sum of Rs.4 lakhs from him and thereby cheated him. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and due to money dispute, false complaint has been lodged by the defacto complainant. He further submitted that, petitioner has repaid a sum of Rs.1,75,000/- to the defacto complainant and the major part of the investigation has been completed. He also submitted that the petitioner is in custody from 13.09.2024, hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that, petitioner had cheated the defacto complainant to the tune of Rs.5,00,000/-. He further submitted that, investigation in this case almost completed, however, he prayed for dismissal of this petition.



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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 above 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 directed to **deposit original title deed** stands in the name of the petitioner or in the name of his friends or relatives (**with face value not less than Rs. 5 lakhs**) and on such deposit, 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 II, Chidambaram**, 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 petitioner shall report before the respondent police daily at 06.30.p.m., until further orders;

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

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

Sma
To

1. The Judicial Magistrate II,



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Chidambaram.

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2. The Station House Officer,
District Crime Branch,
Cuddalore District.
3. The Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.
Sma

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