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CrI.O.P.No.28886 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

CORAM

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

CrI.O.P.No.28886 of 2024

Dinesh

... Petitioner

Vs.

The Inspector of Police
Employment Fraud Prevention Unit
Alpha 7, Central Crime Branch
Chennai 07 (Cr.No.245/2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS to enlarge the petitioner on bail pending trial in C.C.No.2728 of 2023 before the Chief Metropolitan Magistrate, Egmore in Crime No.245 of 2021 on the file of the Respondent police, Employment Fraud Prevention Unit, Alpha – 7, Central Crime Branch, Chennai.

For Petitioner : Mr.M.Hussaini Basha

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



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ORDER

This Criminal Original Petition has been filed by the petitioner/A8, who was arrested and remanded to judicial custody, pursuant to the non-bailable warrant issued against him, on 16.10.2024, seeking bail in C.C.No.2728 of 2023 before the Chief Metropolitan Magistrate, Egmore in Crime No.245 of 2021 registered for the offence under Sections 417, 465, 468 r/w.120(B) of IPC.

2.Learned Counsel appearing for the petitioner submitted that the petitioner was not arrested during the investigation, however, the respondent has filed the final report showing the petitioner as an absconding accused, without any summons served on the petitioner, the petitioner was arrested based on the non bailable warrant issued on 24.08.2023 by the Chief Metropolitan Magistrate, Egmore in C.C.No.2728 of 2023 and the petitioner is in custody from 16.10.2024. The learned counsel further submitted that the petitioner is having permanent residence and he will appear before the trial Court on all hearing dates without fail and he will co-operate for speedy disposal of the trial. Hence, he prayed for grant of bail to the petitioner.



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3.Learned Government Advocate (Crl.Side) appearing for the respondent, while objecting for grant of bail to the petitioner, submitted that the petitioner/A8, is facing trial in C.C.No.2728 of 2023 pending on the file of the Chief Metropolitan Magistrate, Egmore and the trial Judge has issued a Non-Bailable Warrant of arrest against him, pursuant to which, he was formally arrested on 16.10.2024. He further submitted that the case now stands posted before the trial Court on 22.11.2024.

4.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.

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

6.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)**



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with **two sureties**, each for a like sum to the satisfaction of the learned **Chief Metropolitan Magistrate, Egmore, 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 appear before the learned Chief Metropolitan Magistrate, Egmore, Chennai, on all working days at 10.30 a.m., for a period of one week and thereafter, on the dates fixed by the learned trial Judge;

[c] the petitioner shall not abscond during trial and shall co-operate for speedy disposal of the trial;

[d] the petitioner shall not tamper with evidence or witness during 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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[f] If the accused thereafter absconds, a fresh
FIR can be registered under Section 269 of B.N.S.

19.11.2024

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To

1.The Chief Metropolitan Magistrate,
Egmore,
Chennai

2.The Superintendent
Central Prison, Puzhal
Chennai.

3.The Inspector of Police
Employment Fraud Prevention Unit
Alpha 7, Central Crime Branch

4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.
sai

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