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Crl.O.P.No.28787 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2024

CORAM

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

Crl.O.P.No.28787 of 2024

Tamilselvan

... Petitioner

Vs.

State represented by,
The Station House Officer,
DCB Police Station,
Villupuram District.
Crime No.16 of 2024.

... Respondent

Ezhilarasan

... Intervenor

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, 2023, pleaded to enlarge the petitioner on bail in Crime No.16 of 2024, on the file of the Station House Officer, DCB Police Station, Villupuram District pending on the file of the respondent.

For Petitioner : Mr.M.Shimiyon Edwin

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

For Intervenor : Mr.P.Kannan Kumar &
Mr.N.Palani Kumar

ORDER

This Petition has been filed by the petitioner, who was arrested and



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remanded to judicial custody on 19.10.2024, seeking bail in Crime No.16 of 2024 registered for the offence under Sections 420, 384, 506(2) of IPC r/w 5 of TN Protection of Interest of Depositors (In Financial Establishment) Act 1997.

2.The case of the prosecution is that the petitioner in the guise of running a business in the name of Billion Trade International had cheated the defacto complainant and others to the tune of Rs.72,00,000/-. Hence the case.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that the financial transaction between the petitioner and the defacto complainant has been converted as a case of cheating. He would further submit that the petitioner has so far returned a sum of Rs.35,00,000/- to the defacto complainant and he would also file the Bank Statement to that effect. The petitioner without prejudice, is ready to deposit original title deeds of immovable properties worth Rs.25,00,000/- to the credit of Crime No.16 of 2024. Hence, he prayed for grant of bail to the petitioner.



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4.The learned Government Advocate (Crl.Side) appearing for the respondent police while opposing for grant of bail to the petitioner, would submit that the petitioner in the guise of running a business called Billion Trade International and he had cheated the defacto complainant to the tune of Rs.72,00,000/- and the other accused had also threatened the defacto complainant.

5.The learned counsel for the intervenor vehemently opposed for grant of bail to the petitioner.

6.Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) for the respondent Police and the learned counsel for the intervenor and perused the materials available on record.

7.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



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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.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate Court, Gingee**, 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 deposit original title deed of the immovable properties worth Rs.25,00,000/- either belonging to himself or his friends or relatives to the credit of Crime No.16 of 2024 on the file of the respondent police;

[c] the petitioner shall report before the respondent police every day at 10.30 a.m. until further orders;

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the



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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]***;

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

22.11.2024

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To

1. The Judicial Magistrate,
Gingee.
2. The Station House Officer,
DCB Police Station,
Villupuram District.
3. The District Jail,
Perumbakkam Villupuram District.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.
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