



Crl.O.P.No.29338 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2024

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

Crl.O.P.No.29338 of 2024

Marimuthu

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
District Crime Branch,
Cuddalore District.
(Crime No.10 of 2022).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.10 of 2022, pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Vinoth Kumar

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

ORDER

Petition seeking bail in respect of Crime No.10 of 2022 registered for the offences punishable under Sections 406 and 420 of IPC is on board for consideration.

2. The incarceration of the petitioner being from 13.10 .2024 pleading



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innocence on the part of the petitioner and false implication in the case, the learned counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner is no way connected with the alleged offence, however, the present case has been registered only for the statistical purpose. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court and also ready to furnish sufficient sureties.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the petitioner/accused had induced the de facto complainant and two others on the assurance of purchasing them new Tractor under the Government's grant subsidies scheme and received money from them. Thereafter, the victims had received notice from the finance company demanding to pay the loan amount and only thereafter, they came to know that the accused had cheated them and committed a criminal breach of trust. He also submits that the total cheated amount is Rs.7 lakhs and the investigation in this case is still pending. Therefore, if he is released on bail, there is every possibility of him absconding and not available for further investigation.



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4. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record including the counter filed by the respondent Police, and considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions and 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 No.I, Virudhachalam**, 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 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



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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 of B.N.S.

28.11.2024

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To

1. The Judicial Magistrate No.I,
Virudhachalam.
2. The Inspector of Police,
District Crime Branch,
Cuddalore District.
3. The Superintendent,
Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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