



CRL OP NO. 29789 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 29789 of 2024

Babuji
S/o Mr Waheed, No 105/1, Ramasundarm Street
Ammamet, Salem, Salem District

Petitioner(s)

Vs

State Rep. By
The Inspector Of Police, Namakkal Police Station,
Namakkal, Namakkal District,
(Crime No.576 of 2024)

Respondent(s)

For Petitioner(s):

Elavarasan M R

For Respondent(s):

Mr.S.Santhosh

Government Advocate (Crl.Side)

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 316(2) and 318(4) of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.576 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that one Balamurugan, who is known to her and induced one Babuji had received a sum of Rs.90,000 Crores from Australia by selling the metals and that she



would be getting huge profits if she invests in this scheme and the said Balamurugan had received a sum of Rs.1,00,000/- and cheated her. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that petitioner is innocent and he had no connection with the de-facto complainant. He would further submit that as per the FIR, the allegations were raised only against one Balamurugan. The petitioner has no role in the alleged cheating by the said Balamurugan. Further, he submitted that the petitioner is engaged in the business of selling electronics items and home appliances. In order to show his bonafide, without prejudice to his defense and contention, is ready and willing to deposit the original title deeds of an immovable property worth about Rs.10 lakhs, to the crime number. Therefore, he prayed to grant bail to the petitioner.

4. Learned Government Advocate appearing for the respondent police would submit that one Balamurugan has induced the de-facto complainant stating the the petitioner has received a sum of Rs.90,000 Crores from Australia and based on the inducement of Balamurugan, the de-facto complainant has paid a sum of Rs.1,00,000/-. Further, he submitted that during the course of investigation, it has come to the light that the said Balamurugan



had similarly cheated 150 persons and a sum of Rs.13,00,000/- has been transferred from the account of the de-facto complainant to the account of the petitioner.

5. Heard the learned counsel for the petitioner as well as the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the fact that the petitioner is volunteered to deposit original title deeds of an immovable property worth about Rs.10 lakhs to the credit of this crime number, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, **the petitioner is directed to deposit the original title deeds of an immovable property not less than the value of Rs.10 lakhs (standing in the name of the petitioner or his relatives or his friends) to the credit of Crime No.576 of 2024**, without prejudice to his rights and contentions before the trial Court and on such deposit, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/-**



(Rupees Twenty Five Thousand Only) with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Namakkal, Namakkal District**, 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 Station, everyday at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday 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 the 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 of BNS.

12.12.2024

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A.D.JAGADISH CHANDIRA,J.,
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To

1. State Rep. By

The Inspector Of Police, Namakkal Police Station,

2. The learned Judicial Magistrate No.I, Namakkal, Namakkal District.

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