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Crl.O.P.No.30223 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2024

CORAM

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

Crl.O.P.No.30223 of 2024

Ismayil

... Petitioner

Vs.

State rep. by
Inspector of Police,
Kattumannarkoil Police Station,
Cuddalore.
(Crime No.348 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pending
investigation of Crime No.348 of 2024 on the file of the respondent Police.

For Petitioner : Mr.I. Abrar Mohamed Abdullah

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

ORDER

Petition seeking bail in respect of Crime No.348 of 2024 registered
for the offences punishable under Sections 318(4), 140(2) and 351(2) of BNS
2023, is on board for consideration.

2.The incarceration of the petitioner being from 24.10.2024 pleading



innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that the de facto complainant's mother had gone to Dubai on employment and since she overstayed there, she is unable to return. He also submits that other than receiving a sum of Rs.80,000/- for bringing back the mother of the de facto complainant, the petitioner has not done anything and the the petitioner has already returned a sum of Rs.50,000/- on the said amount. He also submits that the petitioner, without prejudice to the defence and contention, is ready and willing to deposit the remaining amount of Rs.30,000/- to the credit of crime number concerned and has no objection for the said amount of Rs.30,000/- being disbursed to the de facto complainant. He also submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court.

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 along with two others, on a false promise of providing overseas employment to the de facto complainant's mother, had sent her to Dubai. However, on finding that she has been deceived, the de facto complainant's mother informed her about the same and in order to bring back her mother, the petitioner demanded huge sum from the de facto complainant.



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4.Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of **Rs.30,000/- (Rupees thirty thousand only)** to the credit of the Cr.No.348 of 2024, without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt. On such deposit, the learned Magistrate concerned shall disburse the said amount of Rs.30,000/- to the de facto complainant on filing proper petition.

5.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, 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 District Munsif cum Judicial Magistrate, Kattumannarkoil, 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., for a period of



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**one week and thereafter, 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 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 B.N.S.

04.12.2024

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To

1. The District Munsif cum Judicial Magistrate,
Kattumannarkoil.



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2. The Inspector of Police,
Kattumannarkoil Police Station,
Cuddalore.
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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