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Crl.O.P.No.30937 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2024

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

Crl.O.P.No.30937 of 2024

1. Poonguzhali

2. Haridass

... Petitioners

Vs.

The State represented by,
The Station House Officer,
Cuddalore DCB Police Station,
Cuddalore District.

(Crime No.40 of 2023).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioners on bail, in connection with Crime No.40 of 2023, pending investigation on the file of the respondent Police.

For Petitioners : Mr.B.Thirumalai

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

ORDER

Petition seeking bail in respect of Crime No.40 of 2023 registered for the offences punishable under Sections 406 & 420 of IPC, is on board for



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consideration.

2. The incarceration of the petitioners being from 23.10.2024 pleading innocence on the part of the petitioners and false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. He also submits that the petitioners are in no way connected with the alleged offence, whereas, a false complaint has been lodged against them. He further submits that the petitioners are 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 accused had conducted an unregistered chit and the de facto complainant and 200 others had subscribed a chit and invested their amounts, whereas, the accused had cheated the subscribers and committed criminal breach of trust. The total amount cheated by the accused runs to a sum of Rs.68,48,000/- and no amount was recovered till date. He further submits that the investigation in this case is still pending and the petitioners herein are arrayed as A1 and A2 and there is no previous case against them.

4. Having heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and considering the period of incarceration



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undergone by the petitioners, this court is inclined to grant bail to the petitioners with certain conditions and accordingly, the petitioners are ordered to be released on bail on their executing separate bond each 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.III, Cuddalore**, 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 petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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***



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[(2005)AIR SCW 5560];

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A.D.JAGADISH CHANDIRA.,J.

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

12.12.2024

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To

1. The Judicial Magistrate No.III,
Cuddalore.
2. The Station House Officer,
Cuddalore DCB Police Station,
Cuddalore.
3. The Superintendent,
Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.

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