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CrI.O.P.No.30333 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2024

CORAM

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

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G.Seenuvasan

... Petitioner

Versus

The State of T.N. (Reps. by the Inspector of Police),
Ulundurpet Police Station,
Ulundurpet Taluk, Kallakurichi District.
Crime.No.725 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime
No.725 of 2024 on the file of the respondent Police.

For Petitioner : Mr. R. Agilesh

For Respondent : Mr. A. Gokulakrishnan,
Additional Public Prosecutor

ORDER

Petition seeking bail in respect of Crime No.725 of 2024
registered for the offences punishable under Sections 296(b), 351(3), 318(4)
of Bharatiya Nyaya Sanhita, 2023 (B.N.S) is on board for consideration.



2. The case of the prosecution is that the petitioner/accused No.2 hired a car from the de-facto complainant for monthly rent but the petitioner/A2 sold the Car to a third party without paying rent or proper intimation, and thereby the petitioner cheated the de-facto complainant. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case and he has no way connected with the offences as alleged by the de-facto complainant. Further, he submits that the petitioner was arrested on 04.11.2024 and he is in judicial custody for more than 42 days and the Car in question is no longer in possession of the petitioner. Therefore, he prayed to grant bail to the petitioner.

4. 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 based on the assurance given by the petitioner, the de-facto complainant handed over the Car in question for monthly rent, but, the petitioner cheated the de-facto complainant, by not paying monthly rental amount as well as sold the Car to some third party.



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Further, he submits that the de-facto complainant has also filed an intervener application for opposing to grant bail to the petitioner.

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, and taking note of the nature of allegation, the period of incarceration undergone by the petitioner and considering the facts and circumstances of the case, 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.1, Ulundurpet**, 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 daily at 10.30 A.M., until further orders;

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



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[d] the petitioner shall not tamper with evidence or witness either during the investigation or during the 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 was 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 petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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To
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- 1.The Judicial Magistrate No.1, Ulundurpet.
2. The Inspector of Police,
Ulundurpet Police Station,
Ulundurpet Taluk, Kallakurichi District.
3. The Superintendent,
Sub Jail, Ulunderpet, Kallakurichi District.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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