



Crl.O.P.No.30533 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2024

CORAM

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

Crl.O.P.No.30533 of 2024

M.Nehru

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Central Crime Branch,
Salem City Police Station.
(Crime No.36 of 2024).

... 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.36 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Mahalakshmi

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

ORDER

Petition seeking bail in respect of Crime No.36 of 2024 registered for the offences punishable under Sections 120B, 409, 420, 465, 471 & 109 of the



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Indian Penal Code is on board for consideration.

2. The incarceration of the petitioner being from 16.11.2024 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, petitioner is an innocent share broker and he had acted on the mandate of the defacto complainant. He further submit that, due to the loss in the share marker, a false complaint has been lodged as if he had misappropriated the defacto complainant's money. He further submitted that, earlier a complaint was given, based on which, CSR enquiry was conducted and the accounts were reconciled and it was stated by the petitioner that a sum of Rs.34 lakhs will be paid to the defacto complainant, however a false and exaggerated complaint has been given thereafter. He further 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 accused induced the defacto complainant to invest in the share market on the assurance of getting high profit and later he colluded with his



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wife and son had cheated the defacto complainant to the tune of Rs.1.4 Crores. He further submitted that, co-accused in this case, who are the petitioner's wife and son are absconding.

4. In reply, the learned counsel for the petitioner submitted that, petitioner's son is residing in US from 2016 and the entire family has been falsely implicated in this case.

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, 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.5, Salem, 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



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ensure their identity;

[b] the petitioner shall report before the report before the respondent police daily 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 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.

06.12.2024

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To

1. Judicial Magistrate No.5, Salem.
2. The Inspector of Police,
Central Crime Branch,
Salem City Police Station.
3. The Superintendent,
Central Jail, Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

Sma

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