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Crl.O.P.No.30634 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2024

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

Crl.O.P.No.30634 of 2024

Syed Ali

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Natrampalli Police Station,
Tirupathur District.
(Crime No.427 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.427 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.G.Vinodhkumar

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

ORDER

Petition seeking bail in respect of Crime No.427 of 2024 registered for the offences punishable under Sections 191(2), 126(2), 204, 205, 336(2), 318(2), 319(2), 308(4), 60, 49 of BNS, is on board for consideration.



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2. The incarceration of the petitioner/A8 being from 08.10.2024 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 some of the accused have been enlarged on bail and the petitioner, who is in no way connected with the alleged offence, 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 de facto complainant had approached the accused for obtaining a loan of Rs.2 crores and on believing them, on the alleged date of occurrence, the de facto complainant went to meet the accused along with several documents and an advance amount of Rs.4 lakhs, during such time, one of the accused, imposing himself as a 'Q' branch officer threatened the de facto complainant and others and taken away the amount and the documents from the de facto complainant and escaped. Thereby, all the accused conspired together and cheated the de facto complainant. He further submits that only the documents have been recovered



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from the accused and the amount is yet to be recovered and the case is under investigation. He also submits that there is no previous case against the petitioner herein.

4. 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 considering the period of incarceration undergone by the petitioner and that there is no previous case against the petitioner, 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.III, Tirupathur**, 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 on everyday at 10.30 a.m., until further orders;



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[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.

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To

1. The Judicial Magistrate No.III,
Tirupathur.
2. The Inspector of Police,
Natrampalli Police Station,
Tirupathur District.
3. The Superintendent,
Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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