



Crl.O.P.No.31319 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2024

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

Crl.O.P.No.31319 of 2024

Rajendren

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Central Crime Branch - II,
Avadi Police Station, Chennai.
(Crime No.105 of 2023).

... 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.105 of 2023, pending investigation on the file of the respondent.

For Petitioner	:	Mr.R.C.Paul Kanagaraj for Mr.V.Jayachandran
For Respondent	:	Mr.Leonard Arul Joseph Selvam Government Advocate (Crl.Side)
For Intervenor	:	Mr.M.Santhanaraman

ORDER

Petition seeking bail in respect of Crime No.105 of 2023 registered for the offences punishable under Sections 406, 420, 120(b) & 34 of IPC, is on board



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for consideration.

2. The incarceration of the petitioner/A3 being from 23.10.2024 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 though the petitioner is one among the power agents, the amounts have been paid only to the first accused. He further submits that a sum of Rs.20 lakhs was repaid to the de facto complainant and pending anticipatory bail application, accused 1 & 2, had filed an Affidavit of Undertaking before this Court to repay the amount of Rs.1 crore to the de facto complainant, however, since they were failed to comply with the same, their anticipatory bail application came to be dismissed and they have been arrested. He also submits that the originally the agreement was made on 23.04.2015 and thereafter, the de facto complainant did not come forward to execute the sale agreement and thereby, the petitioners and others were unable to sell the property to the third parties. Thereafter, the petitioner along with other accused had also entered into a Memorandum of Understanding dated 10.03.2021 with the de facto complainant to refund the amount and since, they were unable to refund, the de facto complainant has also filed a Suit for recovery of money.



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3. The learned counsel for the petitioner further submits that other than being one of the power agents, the petitioner did not receive any amount, however, he is suffering incarceration for more than 50 days. He further submits that the petitioner's wife/A4 has been enlarged on bail by this Court on 10.12.2024 and further, major part of the investigation has been completed. He also submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

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 the accused had induced the de facto complainant on the assurance of selling his property based on the Power of Attorney and cheated him to the tune of Rs.1,33,00,000/- by selling the property to the third party without his knowledge. He further submits that the case is under investigation and the second accused is still absconding.

5. Learned counsel appearing for the de facto complainant, while vehemently objecting for grant of bail to the petitioner submits that the petitioner



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is also one of the accused and the accused, despite entering into the Memorandum of Understanding dated 10.03.2021 to repay the amount, they have sold the property and failed to repay the amount to the de facto complainant.

6. Having heard the learned counsel appearing for both sides and perused the materials available on record and considering the period of incarceration undergone by the petitioner and that the co-accused has been enlarged on bail, 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.I, Poonamallee**, 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;

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



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[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.

18.12.2024

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To

1. The Judicial Magistrate No.I,
Poonamallee.
2. The Inspector of Police,
Central Crime Branch - II,
Avadi Police Station, Chennai.
3. The Superintendent,
Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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