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Crl.O.P.No.30743 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2024

CORAM

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

Crl.O.P.No.30743 of 2024

Rajkumar

... Petitioner

Vs.

The State of Tamil Nadu,
Rep. by its Inspector of Police,
SHO, District Crime Branch,
Cuddalore Police Station,
Cuddalore.
(Crime No. 52 of 2022).

... Respondent

Jayalakshmi.S

... Intervenor/defacto complainant

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.52 of 2022**, pending investigation on the file of the
respondent Police.

For Petitioner : M/s.U.Ramya

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

For Intervenor : Mr.M.Velmurugan

ORDER



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Petition seeking bail in respect of **Crime No.52 of 2022** registered for the offences punishable under Sections **406 and 420 of IPC**, is on board for consideration.

2. The incarceration of the petitioner being from **11.11.2024** pleading innocence on the part of the petitioner and false implication in the case, the learned counsel for the petitioner seeks indulgence of this Court. She would submit that, a financial dispute has been falsely projected as a case of cheating. She would submit that the petitioner has received a sum of Rs.11 lakhs by bank transaction and he has also repaid the same, through g-pay and the petitioner has also got a proof in his mobile phone, whereas, the phone has been seized by the respondent police. She would further submit 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 was acquainted with the defacto complainant under the guise of charitable welfare trust, namely “Future Doctor Educational Charitable and Social Welfare Trust” and informed that he was helping the students who



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were studying abroad. Later, the accused induced the defacto complainant that, he was starting a Spa at Coimbatore and had made her to invest an amount of Rs.33,47,440/- and later, cheated the defacto complainant. He would further submit that the investigation is still pending.

4. Learned counsel appearing for the intervenor would submit that, the defacto complainant is a retired professor and the accused had induced her and made to invest her life time savings in the SPA, later cheated the defacto complainant and vehemently opposed for the grant of bail to the petitioner.

5. Having heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police, the learned counsel for the intervenor, and perused the materials available on record, 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, Chidambaram**, and on further conditions that:

[a] the sureties shall affix their photographs and Left



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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 everyday 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.

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To

1. The learned Judicial Magistrate – I,
Chidambaram.
2. The Inspector of Police,
SHO, District Crime Branch,
Cuddalore Police Station,
Cuddalore.
3. The Superintendent,
Central Jail, Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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