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Crl.O.P.No.30909 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2024

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

Crl.O.P.No.30909 of 2024

Rajkumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
District Crime Branch,
Cuddalore District.

(Crime No.22 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.22 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.E.P.Senniyangiri

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

For Intervenor : Mr.P.Muthamizhselvakumar

ORDER

Petition seeking bail in respect of Crime No.22 of 2024 registered for



CrI.O.P.No.30909 of 2024

the offences punishable under Sections 120B, 420 and 506(1) of IPC and the corresponding Sections in BNS is 61(2), 318(4) and 351(2) of BNS, 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 the petitioner and the de facto complainant are friends and a case of money transaction between them, has been projected as the case of cheating. He further submits that even as per the First Information Report, the de facto complainant has claimed that two original documents of the petitioner are in his custody and apart from that, the de facto complainant has also filed a suit against the petitioner in O.S.No.287 of 2024 before the Additional District Court, Virudhachalam for recovery of money and he has also sought for attachment of the property. He further submits that the petitioner undertakes will not encumber the properties, whose documents have been given to the de facto complainant as security. He also submits that the entire case is borne out by documents and the further custody of the petitioner may not be required. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.



CrI.O.P.No.30909 of 2024

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 petitioner had induced the de facto complainant on the promise of purchasing the property belonging to one Selvi and received Rs.28 lakhs and without paying the same to the said Selvi, cheated the de facto complainant and other than that the accused had also received Rs.42 lakhs as loan from the father of the de facto complainant after handing over two documents and later, it came to light that the petitioner is a quack doctor and cheated many persons. He further submits that the investigation in this case is still pending.

4. Learned counsel for the de facto complainant submits that the petitioner, who claims to be the Doctor, had induced the de facto complainant, who is a practising Advocate, and received several lakhs, on the false assurance of getting a property belonging to one Selvi and later cheated him. Hence, he vehemently opposed for grant of 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 considering the period of incarceration



CrI.O.P.No.30909 of 2024

undergone by 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.I, Virudhachalam**, 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, 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]***;



CrI.O.P.No.30909 of 2024

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[f] If the accused thereafter absconds, a fresh FIR
can be registered under Section 269 of B.N.S.

12.12.2024

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To

1. The Judicial Magistrate No.I,
Virudhachalam.
2. The Inspector of Police,
District Crime Branch,
Cuddalore District.
3. The Superintendent,
Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.30909 of 2024

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.30909 of 2024

12.12.2024