



Crl.O.P.No.31517 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.31517 of 2024

Sakthi

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Krishnapuram Police Station,
Dharmapuri District.
(Crime No.133 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.133 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.K.Gangadaran

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

ORDER

Petition seeking bail in respect of Crime No.133 of 2024 registered for the offences punishable under Sections 316(2), 318(4) of BNS, is on board for consideration.



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2. The incarceration of the petitioner being from 15.11.2024 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 has nothing to do with the alleged offence, whereas, the de facto complainant had given a false complaint against him. He further submits that the petitioner has invested his money in a website and the same was frozen by the Cyber Crime in connection with Crime No.24 of 2024. He also submits that the co-accused/A3, with whom the de facto complainant's documents were pledged, was enlarged on bail by this Court on 09.12.2024 in Crl.O.P.No.30636 of 2024. 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 had induced the de facto complainant on the false promise of obtaining a loan, taken his property documents, mortgaged the same with A3 for a sum of Rs.12 lakhs and cheated the de facto complainant. He further submits that the investigation is still pending, therefore, if the petitioner is released on bail, there is a possibility of him absconding and tampering the evidence.



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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, 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.II, Dharmapuri** 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



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A.D.JAGADISH CHANDIRA.,J.

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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.II,
Dharmapuri.
2. The Inspector of Police,
Krishnapuram Police Station,
Dharmapuri District.
3. The Superintendent,
Sub Jail, Dharmapuri.
4. The Public Prosecutor,
High Court of Madras.

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