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Crl.O.P.No.3374 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.3374 of 2025

1. Sam Ezra
2. Samuvel

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
R-10 MGR Nagar Police Station,
Chennai.
(Crime No.476 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioners on bail, in connection with the Crime No.476 of 2024, pending investigation on the file of the respondent Police.

For Petitioners : Mr.R.Sebastin Raj
For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)
For Intervenor : Mr.R. Thirumoorthy

ORDER

This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 11.01.2025 seeking bail in Crime No.476 of 2024 registered for the offence under Sections 316(2), 318(2) of



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BNS.

2. The case of the prosecution is that the petitioners have promised the defacto complainant to run a house for lease and demanded a sum of Rs. 5 lakhs and that the defacto complainant had paid the said amount to the petitioners and thereafter when the defacto complainant enquired, he came to know that the petitioners had cheated the defacto complainant of the said amount and let out the properties to other persons. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that, petitioners are in custody from 11.01.2025 and thus prayed that the petitioners may be released on bail.

4. Learned counsel for the defacto complainant/intervenor strongly opposed for grant of bail to the petitioner and also submitted that this Court may direct the petitioners to settle the amount due to the defacto complainant.

5. Learned Government Advocate (Crl.Side) reiterated the prosecution case and opposed for grant of bail to the petitioners stating that petitioners have



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cheated several persons.

6. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

7. This Court finds that, the offence of cheating may be made out. However, it is for the prosecution to establish the same before the trial Court. However considering the period of incarceration; and since further custody is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are 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 **XXIII Metropolitan Magistrate, Saidapet, Chennai.**

[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;



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[b] the petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 B.N.S.

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To

1. XXIII Metropolitan Magistrate,
Saidapet, Chennai.
2. The Inspector of Police,
R-10 MGR Nagar Police Station,
Chennai.
3. The Superintendent,
Central Prison-II, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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