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Crl.O.P.No. 10040 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.10040 of 2025

Augustin,
S/o.Rajendran.

.... Petitioner

Versus

State rep. by,
The Inspector of Police, CCB, Tambaram.
(Crime No.21 of 2023)

.... Respondents

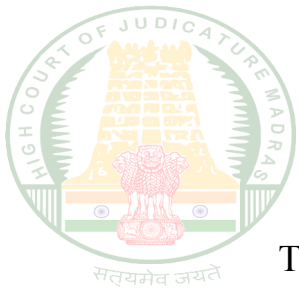
PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order passed by the learned Principal Sessions Judge, Chengalpattu in Crl.R.C.No.1 of 2025 against Crl.M.P.No.1866 of 2024 on the file of the Judicial Magistrate – I, Tambaram, dated 25.02.2025.

For Petitioner : Mr. N. Ravisankar Vallatharasu

For Respondent : Mr. R. Vinothraja
Government Advocate (Crl.Side)

ORDER

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This Criminal Original Petition has been filed to set aside the order in Crl.R.C.No.1 of 2025 dated 25.02.2025 passed by the learned Principal Sessions Judge, Chengalpattu, thereby confirming the order dated 18.11.2024, passed in Crl.M.P.No.1866 of 2024 by the Judicial Magistrate – I, Tambaram.

2. The petitioner is facing the charges for the offences punishable under Sections 406, 409 and 420 of IPC., pursuant to which the First Information Report in Crime No.21 of 2023 was registered. After completing the investigation, the petitioner was arrested and remanded to judicial custody on 29.09.2023 and thereafter, he was enlarged on bail in Crl.MP.No.1245 of 2023 dated 11.10.2023.

3. Further, due to non compliance with the order, the petitioner was once again remanded to judicial custody on 30.10.2024, and he moved second bail application in Crl.M.P.No.1713 of 2024, which was granted on 06.11.2024, subject to the condition of depositing a sum of Rs.10 Lakhs. As against which, the petitioner filed a modification petition before the Judicial Magistrate-I, Tambaram, in Crl.M.P.No.1866 of 2024, wherein, the deposit



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amount was reduced to Rs.5,00,000/- from Rs.10,00,000/-.

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4. Aggrieved by the said modification order, the petitioner preferred a Criminal Revision Petition in Crl.R.C.No.1 of 2025 before the learned Principal Sessions Judge, Chengalpattu. The learned Sessions Judge, dismissed the petition by confirming the order dated 18.11.2024, passed by the learned Judicial Magistrate-I, Tambaram in Crl.M.P.No.1866 of 2024.

5. Against the said order, the present Criminal Original Petition has been filed before this Court.

6. On instructions, the learned Government Advocate (Criminal side) appearing for the respondent Police submitted that after completing the investigation, a final report was filed and the case was taken on file in C.C.No.410 of 2024 before the Judicial Magistrate-I, Tambaram. Now, L.W.1 to L.W.3 have been examined as P.W.1 to P.W.3.

7. On perusal of the First Information Report, the petitioner



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assumed that the de-facto complainant inducted as a partner, shared the profits, and received a sum of Rs.85 Lakhs. The learned counsel for the petitioner submitted the petitioner's statements of accounts, which show that the amount which was returned to the de-facto complainant.

8. Considering the facts and circumstances of the case, and the period of incarceration undergone by the petitioner, the condition imposed on the petitioner to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) is hereby cancelled.

9. Accordingly, this Criminal Original Petition is allowed, by setting aside the order dated 25.02.2025 in Crl.R.C.No.1 of 2025 passed by the learned Principal Sessions Judge, Chengalpattu.

10. Considering the facts and circumstances of the case, and also 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.10,000/- (Rupees Ten Thousand only)** with **two**



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sureties, each for a like sum to the satisfaction of the learned **Judicial**

Magistrate-I, Tambaram 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 daily at 10.30 A.M., until further orders.

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

[d] the petitioner shall not tamper with evidence or witness either during the investigation or during the 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 was 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*



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[(2005)AIR SCW 5560];

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

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

klt

To

- 1.The Principal Sessions Judge, Chengalpattu.
- 2.The Judicial Magistrate -I, Tambaram.
- 3.The Inspector of Police, CCB, Tambaram.
- 4.The Superintendent, Central Prison, Puzhal-II, Chennai.
- 5.The Public Prosecutor, High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

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