



CRL O.P. No.9488 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 01.04.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.9488 of 2025

K. Jaiganesh S/o. Late S. Kumaravel ... Petitioner / Accused

Vs

State rep. by:-

The Inspector of Police,
District CCD-II,
Kancheepuram District.
[Cr. No.3 of 2023]

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 482 of

B.N.S.S., praying to grant anticipatory bail to the petitioner / Accused in

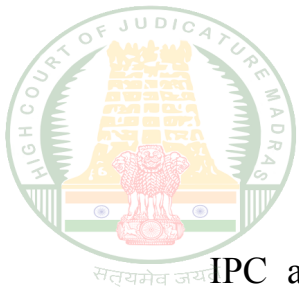
Cr. No.3 of 2023 on the file of the respondent police.

For Petitioner : Mr.V.T. Balaji

For Respondent : Mr. S. Santhosh,
Government Advocate
[Criminal side]

ORDER

The petitioner / Accused, who apprehends arrest at the hands of the
respondent police for the offence punishable under Sections 419, 420 of



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IPC and Section 66-D of the Information Technology Act, 2000 in connection with the case in Cr. No.3 of 2023, seeks anticipatory bail.

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2. The case of the prosecution is that the petitioner along with other accused had advertised in the website stating that the properties are available for sale and induced the defacto complainant to deposit a sum of Rs.47,000/-, Rs.1,88,000/- and Rs.50,000/- through Gpay and Rs.3,27,000/- through cash and thus, committed cheating of a total sum of Rs.8 lakhs.

3. The learned counsel for the petitioner would contend that the amount was transferred to the account of A2, who is the sister of the petitioner; that she was arrested and released on bail; that the petitioner was not summoned; that considering the fact that alleged offences are taken place in the year 2022; that FIR was registered in 2023; and that in any case, custodial interrogation of the petitioner is not required and hence prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing the grant of anticipatory bail to



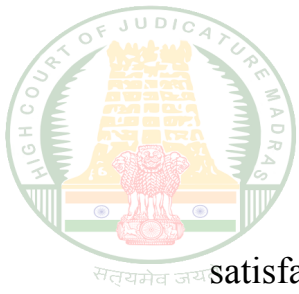
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the petitioner, reiterated the prosecution case and submitted that A2, in whose account, the amount was transferred, was arrested and released on bail and the remaining amount was paid by cash.

5. Considering the aforesaid facts, nature of allegations, the fact that the alleged occurrence took place in the year 2022 and FIR was registered in the year 2023, the allegations are borne out by records and since the custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate-I, Kancheepuram** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)**, with two sureties each for a like sum to the satisfaction of the respondent Police or the Police officer who intends to arrest or to the



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satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

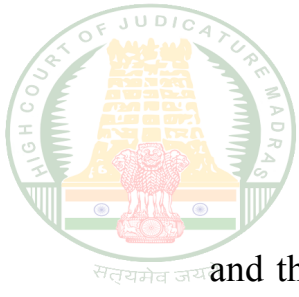
[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police weekly twice i.e., on Monday and Thursday at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond 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



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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]; and

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

01.04.2025

mjs

To

- 1.The Judicial Magistrate-I, Kancheepuram.
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, District CCD-II, Kancheepuram District.

SUNDER MOHAN. J.,

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