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Crl. O.P. No.12553 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.12553 of 2025

Shaik Khadar Basha S/o. Shaik Hyder Vali

... Petitioner / Accused

Vs.

The State represented by:

The Inspector of Police,
F-4 Thousand Lights Police Station,
Chennai-6.

(Crime No.110 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.110 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr. K.S. Purushothaman

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

ORDER

This Criminal Original Petition has been filed by the petitioner/accused, who was arrested and remanded to judicial custody on 20.03.2025, seeking bail in Crime No.110 of 2025 registered for the offences under Sections 316(2), 318(2) and 336(2) of B.N.S.



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2. The case of the prosecution is that the petitioner had made false representation to the victim that he would collect cash on her behalf and received a self-cheque for Rs.5.5 lakhs from her; and that after collecting the cash, he absconded and thus, committed aforesaid offences.

3. Learned counsel appearing for the petitioner submitted that the allegations against the petitioner are false; that the defacto complainant is due to pay Rs.8.5 lakhs to him; that cheque was issued on 26.02.2025 and when the said cheque was presented for collection, it was returned with an endorsement 'account blocked'; that the cheque was handed over by the defacto complainant; that the allegations of cheating is false; that the defacto complainant is due to pay a further sum of Rs.3 lakhs; that in order to avoid payment, she has come up with this false complaint; and that further custody is not required for the purpose of investigation. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, reiterated the prosecution case and submitted that there is CCTV footage to show that the petitioner had taken the cheque to the bank and encashed the



5. This Court had perused the copy of the cheque said to had been issued by the defacto complainant for a sum of Rs.8.5 lakhs. The said cheque was dishonoured for the reason 'account blocked'. The petitioner is in judicial custody from 20.03.2025. The allegations are borne out by records. Considering the aforesaid facts, nature of allegations, period of incarceration and since further custody is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions.

6. 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 **XIV Metropolitan Magistrate, Egmore, Chennai** 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;



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[b] the petitioner shall report before the respondent police on 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]***;

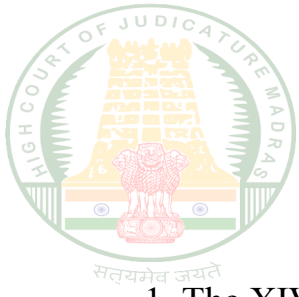
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

24.04.2025

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1. The XIV Metropolitan Magistrate, Egmore, Chennai.
2. The Inspector of Police, F-4 Thousand Lights Police Station, Chennai-6.
3. The Superintendent of Police, Central Prison, Puzhal, Chennai.
4. The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN., J.
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