



WEB COPY



CrI.R.C.No.16521 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.16569 of 2025

R.Balakrishnan

... Petitioner/A4

Vs.

The State rep. by
The Inspector of Police,
Central Crime Branch, Branch X,
Bank Fraud Investigation Wing,
Egmore, Chennai – 600 008.
(Crime No.92 of 2011).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in connection with C.C.No.8331 of 2021 on the file of the learned Metropolitan Magistrate, for Exclusive trial of CCB Cases (Relating to Cheating Cases in Chennai) and CBCID Metro Cases, Egmore, Chennai -08.

For Petitioner : Mr.S.Madhusudanan

For Respondent : Mr.L.Baskaran
Government Advocate (CrI.Side)



CrI.R.C.No.16521 of 2025

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.05.2025, pursuant to the non-bailable warrant issued in C.C.No.8331 of 2021 on the file of the Metropolitan Magistrate for Exclusive trial of CCB Cases (Relating to Cheating Cases in Chennai) and CBCID Metro Cases, Egmore, Chennai, in connection with Crime No.92 of 2011, for the offences punishable under Sections 381, 419, 467, 468, 420, 471 r/w 109 r/w 34 and 411 of I.P.C., seeks bail.

2. It is the case of jumped bail. Since the petitioner failed to appear before the trial Court in C.C.No.8331 of 2021, a non-bailable warrant of arrest was issued against him on 17.10.2024 and pursuant to the same, he was arrested and remanded to judicial custody on 16.05.2025.

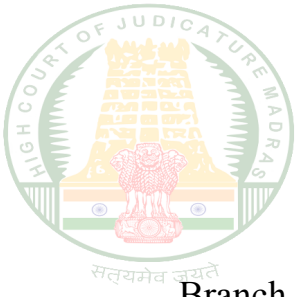
3. The learned counsel for the petitioner submitted that originally petitioner/A4 in the mother case in C.C.No.6683 of 2013 was arrested by the



Crl.R.C.No.16521 of 2025

WEB COPY

respondent police on 16.05.2025. Thereafter the case was split up in C.C.No.8331 of 2021. The contention of the learned counsel for petitioner is that a case in Crime No.92 of 2022 registered on the complaint of one Ravishankar. Initially the petitioner was not named accused in the F.I.R. The petitioner was never called for any enquiry and no summons served and petitioner not aware about the pendency of any case. On the back of the petitioner charge sheet filed in Crime No.92 of 2011 arraying 7 persons as accused in which, petitioner was shown as A4. Till the time of passing orders on 16.05.2025, the petitioner was not aware about any case. The further contention of the petitioner is that the de-facto complainant was cheated by the petitioner and other accused, who entered into a conspiracy, abetted each other to create false documents, made false representations, withdrawn and misappropriated the de-facto complainant's money. A1 in the mother case had stealthily removed cheque of the de-facto complainant and A3 had signed as Ramanujam in four cheques, used the same in Indian Bank, Anna Nagar



Crl.R.C.No.16521 of 2025

WEB COPY

Branch, withdrew a sum of Rs.10 lakhs from his account on 24.12.2010 and out of this amount he issued two cheques bearing Nos.197121 and 197137 on 27.12.2010 and to the petitioner/A4 to receive the sum of Rs.9 lakhs. The petitioner is charged for offence under Section 411 of I.P.C. He further submitted that there is nothing in the charge sheet to show that the petitioner had knowledge about forgery and stealthily removal of cheques. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police filed counter and submitted that earlier the de-facto complainant filed Crl.O.P.No.25543 of 2017 before this Court seeking a direction to the trial Court to complete the proceedings in C.C.No.683 of 2013 within a stipulated period. This Court had directed the trial Court to complete the trial within a period of three months and following the same on 17.11.2021, the case against the petitioner was split up in C.C.No.8331 of



Crl.R.C.No.16521 of 2025

WEB COPY

2021. Now the contempt proceedings initiated for not complying with the orders passed by this Court in Crl.O.P.No.25543 of 2017 in Contempt Petition No.777 of 2021, wherein this Court directed the trial Court to complete the trial within a period of three months in C.C.No.8331 of 2021. Now steps have been taken and thereafter only the petitioner can be arrested after taking strenuous efforts.

5. Heard both sides and perused the materials available on record.

6. Considering the submissions made by the learned counsels on either side and on perusal of the materials, the admitted position is that the petitioner was not named accused in the F.I.R. and his name has been included in the charge sheet. Prior to it, there was nothing to show that petitioner was aware about the pendency of the case and investigation in Crime No.92 of 2011 completed, case is pending trial in C.C.No.6683 of 2013. The trial got expedited and thereafter case against the petitioner was



CrI.R.C.No.16521 of 2025

split up in C.C.No.8331 of 2021 and after initiation of contempt proceedings, the petitioner was arrested in this case. In view of the above, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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 sureties**, each for a like sum to the satisfaction of the learned **Metropolitan Magistrate, Additional Court for Exclusive trial of CCB Cases (Relating to Cheating Cases in Chennai) and CBCID Metro Cases, Egmore, Chennai**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;



WEB COPY



CrI.R.C.No.16521 of 2025

[b] the petitioner shall report before the trial Court on every Monday at 10.30 a.m., and on all hearing dates without fail.

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de-facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;



WEB COPY



CrI.R.C.No.16521 of 2025

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

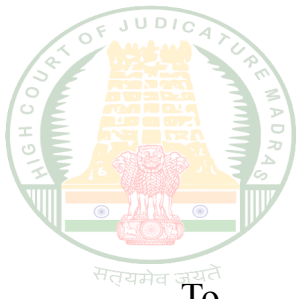
06.06.2025

rsi

Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

Note: Issue order copy on 09.06.2025.



Crl.R.C.No.16521 of 2025

To
WEB COPY

1.The Metropolitan Magistrate,
Additional Court for Exclusive trial of CCB Cases
(Relating to Cheating Cases in Chennai) and
CBCID Metro Cases, Egmore, Chennai

2.The Inspector of Police,
Central Crime Branch, Branch X,
Bank Fraud Investigation Wing,
Egmore, Chennai – 600 008.

3.The Superintendent,
Central Prison,
Puzhal, Chennai.

4.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.R.C.No.16521 of 2025

M.NIRMAL KUMAR, J.

rsi

Crl.O.P.No.16569 of 2025

06.06.2025