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CrI.O.P.No.18105 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2025

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.18105 of 2025

A.Haja Nizamudeen

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Central Crime Branch Police Station,
Chengalpattu.

(Crime No.09 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in connection with Crime No.09 of 2025 on the file of respondent Police.

For Petitioner : Mr.P.Pugalenth

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

For Intervener : Mr.M.Mohamed Yasin

ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.05.2025 for the offences under Sections 420 & 506(i) of IPC in Crime No.09 of 2025, on the file of the respondent Police, seeks bail.



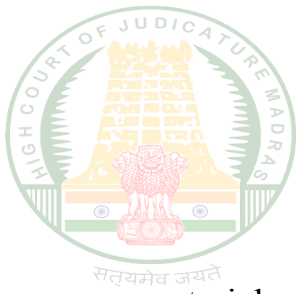
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2. The case of the prosecution is that the accused, on the false promise of investing in an iron scrap business, received a sum of Rs.1,52,92,000/- from the de facto complainant and cheated him. When the de facto complainant demanded repayment of the said amount, the accused had threatened him with dire consequences. Hence the case.

3. The contention of the learned counsel appearing for the petitioner is that the petitioner is innocent and has been falsely implicated in this case. He further submitted that there were certain financial transactions between the petitioner and the de facto complainant and the petitioner had repaid the amount borrowed from the de facto complainant. However, there is a dispute regarding the interest component of the said transaction. Thereby, in order to give criminal colour to a civil dispute, a false complaint has been lodged against the petitioner. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Criminal Side) reiterated the prosecution case and objected for granting bail to the petitioner. He further submitted that the petitioner is alleged to have cheated the de facto complainant to the tune of Rs.1,52,92,000/- by falsely stating that the scrap were seized by the bank and upon their release, the same would be sold and profits would be shared equally at 50 % each. The de facto complainant, after finding that no scrap



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materials were available, understood that he had been cheated by the petitioner and subsequently, lodged a complaint.

5. Learned counsel appearing for the intervener submitted that the petitioner and the de facto complainant are known to each other and that the petitioner had made the de facto complainant to believe that he was a scrap dealer engaged in the business from the year 2019. Further, the petitioner had also introduced one Rajendra Prasad, claiming him to be the Manager of Indian Overseas Bank, who was allegedly overseeing the copper scrap deal. Believing the same, the de facto complainant gave money to the petitioner on various dates, amounting to a total sum of Rs.1,52,92,000/-. Subsequently, after coming to know about fraudulent conduct of the petitioner, the de facto complainant had lodged a complaint before the Deputy Superintendent of Police, Chengalpattu and the petitioner was summoned for enquiry. Subsequently, the petitioner approached this Court seeking anticipatory bail in Crl.O.P.No.30921 of 2024 and this Court, by an order dated 12.12.2024, directed the respondent to conduct an enquiry and also directed the petitioner to cooperate with the enquiry. However, the petitioner failed to appear for the enquiry and subsequently, the de facto complainant lodged another complaint, which was registered in Crime No.9 of 2025 on 07.04.2025. Hence, he strongly objected for granting bail to the petitioner.



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M.NIRMAL KUMAR, J.

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6. Considering the facts and circumstances of the case and the submissions made by the learned counsel appearing on either side, this Court is of the view that custodial interrogation of the petitioner is necessary in this case. Therefore, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

03.07.2025

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To

1. The Judicial Magistrate No.2,
Chengalpattu.
2. The Inspector of Police,
Central Crime Branch Police Station,
Chengalpattu.
3. The Public Prosecutor,
High Court of Madras.

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