



Crl.O.P.No.19229 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.19229 of 2025

Hariharasubramaniyan

... Petitioner

Vs.

State rep by Inspector of Police,
T-13, Chitlapakkam Police Station,
Pallikaranai, Chennai.
(Cr.No.98 of 2025)

... Respondent

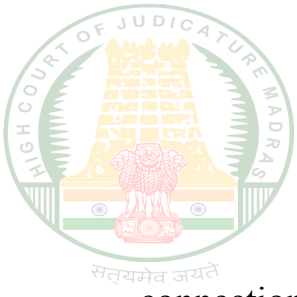
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner in Crime No.98 of 2025 on the file of the respondent police.

For Petitioner : Mr.K.Prasanth

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.05.2025, for the offences punishable under Sections 406 and 420 of IPC in

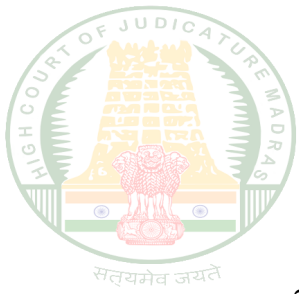


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connection with Crime No.98 of 2025, registered on the file of the respondent, seeks bail.

2(i). The case of the prosecution is that the defacto complainant is the Senior Citizen aged about 77 years suffered with his age related ailments, residing alone. The petitioner/accused got acquainted with the defacto complainant and on the pretext of helping him, had nexus with his banking transactions and mobile access.

2(ii) The further case of the prosecution is that on 07.12.2021, the defacto complainant has misplaced his mobile phone and subsequently on 01.01.2022, the defacto complainant found that Rs.1,31,044/- was withdrawn from his bank account and also found that Rs.15,000/- withdrawn from his IOB Bank Account. The defacto complainant has informed the said issue to the petitioner/accused, thereafter, the petitioner/accused created a forged email ID in the name of RajendraBalajiADGP and send mail from the defacto complainant mail ID.



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2(iii) The further case of the prosecution is that the petitioner/accused directed the defacto complainant to pay all the money to RajendraBalaji-ADGP, then only he can recover the money. Further, the defacto complainant deposited Rs.40,000/- by mortgaging his gold and silver jewels and also deposit sum of Rs.1,21,000/- from his Sundram Finance Saving. Thereafter, the defacto complainant found that based on the harmonious relationship with him, the petitioner/accused had the defacto complainant's money to the tune of Rs.16,85,000/- on various occasions. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is the neighbour of the defacto complainant. The petitioner had borrowed a loan from the defacto complainant in the year 2022 around Rs.16,85,000/-. Out of which, the petitioner had repaid Rs.8,00,000/-, but the defacto complainant is demanding huge interest. Hence, there was a dispute. Now, it has been projected as though the petitioner had misappropriated and cheated the defacto complainant to the tune of Rs.16,85,000/-. Hence, the petitioner/accused was arrested on 16.05.2025. He further submitted that the petitioner is prepared to comply with any stringent conditions this Court may impose. He, therefore, prayed that bail be granted.



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4. The learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for grant of bail to the petitioners, reiterated the prosecution case and submitted that the defacto complainant is the Senior Citizen aged about 77 years suffered with his age related ailments, residing alone. The defacto complainant's brother is in abroad, who used to regularly send the money to the defacto complainant. Taking advantage of the defacto complainant's ill-health and his age the petitioner/accused under the guise of helping him had obtained signature from the defacto complainant and transferred the amount on various dates to his accounts and thereby misappropriated a sum of Rs.16,85,000/- and there is no credit made by the petitioner in the account of the defacto complainant for a sum of Rs.8,00,000/-

5. Considering the facts and circumstances of the case and the submissions made on either side, this Court is of the opinion that the petitioner had cheated his neighbour, not only a neighbour, a Senior Citizen and all the transactions which have been received by him and transferred the same into his bank accounts. The petitioner is unable to give any reason for receiving the amount and not for repaying, except taking the defence it is a loan transaction, this Court is not inclined to accept the same and this petition is liable to be dismissed.



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6. Accordingly, this Criminal Original petition is dismissed.

07.07.2025

Index:Yes/No

Speaking/Non Speaking Order

Internet: Yes

Neutral Citation : Yes/No

Vv

To

- 1.The Inspector of Police,
T-13, Chitlapakkam Police Station,
Pallikaranai, Chennai.
2. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

Vv

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