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Crl.O.P.No.19835 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 19835 of 2024

Fayaz Basha .A

.. Petitioner/Accused

Vs.

The State rep by
The Inspector of Police,
Kandili Police Station,
Tirupattur District.
(Crime No.86 of 2020)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of his arrest in Crime No.86 of 2020 on the file of the respondent Police.

For Petitioner : Mr.Balamurali D

For Respondent : Mr.S.Santhosh
Government Advocate(Crl.Side)

ORDER

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 420 and 506 (i) of IPC in Crime No.86 of 2020, seeks anticipatory bail.



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2. The case of the prosecution is that the petitioner along with other accused has cheated the defacto complainant to the tune of Rs.4,00,000/- on the pretext of arranging Visa. Hence, the complaint.

3. The learned counsel for the petitioner submitted that earlier the petitioner was granted anticipatory bail on 01.06.2020 in Crl.OP.No.7090 of 2020 by Hon'ble Mr.Justice A.D.Jagadish Chandira, on condition that petitioner deposits Rs.1,00,000/- to the credit of Cr.No.86 of 2020; that since the petitioner did not comply with the said condition, the petitioner has preferred the instant petition; that when the matter was earlier taken up for hearing by Hon'ble Mrs. Justice T.V.Thamilselvi, on 07.11.2024, the learned Judge had directed the petitioner to deposit a sum of Rs.2 Lakhs to the credit of C.C.No.206 of 2021, before the trial Court; and that the petitioner had complied with the said direction and deposited the said sum on 21.11.2024 and produced the copy of the receipt.

4. The learned Government Advocate (Crl.Side) reiterated the prosecution case and confirmed the deposit of the amount by the petitioner before the trial Court.

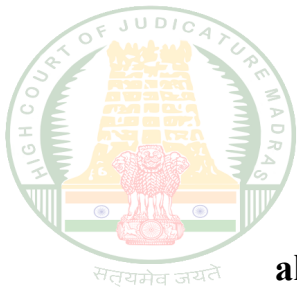


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5. Hence, considering the fact that the petitioner had deposited Rs.2,00,000/- before the trial Court, as directed by this Court to the credit of C.C.No.206 of 2021 and the fact that the final report has already been filed and the case is pending trial, this Court is of the view that custodial interrogation of the petitioner is not required and 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 on which the order copy is made ready, before the **learned Judicial Magistrate No.II, Tirupattur** 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 satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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.



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[b] the petitioner shall report before the trial Court on all hearing dates.

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

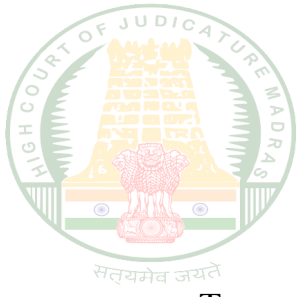
[d]the petitioner shall not abscond either during investigation or trial.

[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 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 of B.N.S.

12.03.2025

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SUNDER MOHAN, J.

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To

- 1.The Inspector of Police,
Kandili Police Station,
Tirupattur District.
2. The Public Prosecutor,
Madras High Court,
Chennai.
- 3.The Judicial Magistrate No.II,
Tirupattur.

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