



Crl.O.P.No.32556 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2025

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

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Velmurugan

... Petitioner

Vs.

State by:

The Inspector of Police

DCB Police Station

Cuddalore District

(Crime No.32 of 2023)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.32
of 2023 on the file of the respondent Police.

For Petitioner : Mr.A.Anandharaj

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

ORDER

Petition seeking bail in respect of Crime No.32 of 2023 registered for
the offences punishable under Sections 294(b), 406, 420 & 506(i) if IPC is on
board for consideration.



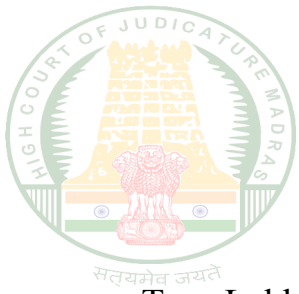
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2.The incarceration of the petitioner being from 28.11.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He further submits that a financial dispute between the parties has been falsely portrayed as a case of cheating. He also submits that though the de facto complainant claims his son applied for a Sub Inspector position, no documents have been recovered by the respondent police to show that any amount was received in exchange for securing the job. He also submits that the petitioner, without prejudice to the defence and contention, to show his bonafide, is ready and willing to deposit a sum of Rs.4,00,000/- to the credit of Crime Number. He also submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court.

3.The case of the prosecution, as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the accused induced the de facto complainant with the promise of securing a Sub Inspector job for his son and received a sum of Rs. 21,00,000/- and cheated him. He further submits that the payment was made through a bank transaction.

4.Considering the submissions made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.2,00,000/- (Rupees



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Two Lakhs only) to the credit of Cr. No. 32 of 2023 at the time of furnishing surety, without prejudice to the right of the defence before the Trial Court. It is made clear that this deposit shall not be considered an admission of guilt. The remaining balance of Rs.2,00,000/- (Rupees Two Lakhs only) shall be deposited to the credit of Cr. No. 32 of 2023 within a period of six weeks from the date of release on bail.

5.Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions and 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 District Munsif cum Judicial Magistrate, Neyveli District, 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, everyday at 10.30 a.m., for a period of two weeks, and thereafter, on every Saturday at 10.30 am., 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 of B.N.S.

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To

1.The District Munsif cum Judicial Magistrate,
Neyveli District

2.The Inspector of Police,
DCB Police Station
Cuddalore District

3.The Superintendent,
Central Prison, Cuddalore.

4.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.
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