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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD).1457 of 2025

K.Ganesan

... Petitioner / Accused No.1

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
City Crime Branch,
Trichy.
(Crime No.46 of 2019)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail to the petitioner in Crime No.46 of 2019 on the file of the respondent police.

For Petitioner : Mr.N.Ananda Kumar,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 23.01.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.



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2. The petitioner / accused no.1 was arrested and remanded to judicial custody on 23.11.2024 for the alleged offences punishable under Sections 406 and 420 of IPC altered into Sections 34, 406, 420, 468 and 471 of IPC, in Crime No.46 of 2019 on the file of the respondent police.

3. The case of the prosecution is that the defacto complainant, who runs a tailoring shop, became acquainted with one A2. A2 informed the defacto complainant that the petitioner/A1 was a travel agent, who was arranging overseas employment for others and requested her to refer any deserving candidates. Therefore, the defacto complainant introduced one Manoj to the petitioner. The petitioner obtained Manoj's passport and demanded a sum of Rs.2,00,000/-. Consequently, on 17.12.2018, the complainant and Manoj paid Rs.1,20,000/- to the petitioner and later transferred the remaining amount through a bank account. Additionally, the defacto complainant's husband, Sivakumar, introduced several other persons to the petitioner, who assured them of overseas opportunities and also obtained the Aadhar Cards and passport of them. In total, the petitioner allegedly received a sum of Rs.34,80,000/- from various individuals but failed to keep his promise. The petitioner did not return the amount and passport and Aadhar Cards while asking the passport and Aadhar Cards, the petitioner demanded further amount. Hence, the case.



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4. Mr.N.Ananda Kumar, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner has been in judicial custody since 23.11.2024. He further submits that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. *Per contra*, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor, appearing for the respondent police, submits that the petitioner has cheated several persons and has received a total sum of Rs.34,80,000/-. He further submits that there are 3 previous cases against the petitioner, which are similar in nature. Therefore, he contends that, if the petitioner is released on bail, there is possibility of committing similar offences in future. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.

7. The petitioner was arrested on 23.11.2024 and he has been in incarceration



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since 23.11.2024. On perusal of records, it reveals that the petitioner was received a total sum of Rs.34,80,000/- and there are 3 previous cases against the petitioner which are all similar in nature. Therefore, it is clear that the petitioner is a habitual offender. Hence, if the petitioner is released on bail, there is possibility of committing similar offences in future. In view of the facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
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/02/2025

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PAL

TO

- 1 THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
TRICHY.
- 2 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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ORDER
IN
CRL OP(MD) No.1457 of 2025
Date :13/02/2025

SS/SKN/SAR- /25/02/2025/ 5P/4C

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