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CrI.O.P.No.29093 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.29093 of 2023

S.Sugu @ Sugumaran

...Petitioner/Accused

Vs.

State rep. by
The Inspector of Police,
T4, Maduravoyal Police Station,
Thiruvallur District.
(Crime No.903 of 2023)

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to release the petitioner on bail pending investigation in Crime
No.903 of 2023 on the file of respondent.

For Petitioner : Mr.T.R.Shanmugam
For Respondent : Mr.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner seeks bail in Crime No.903 of 2023, registered by
the respondent police for the offences punishable under Sections 406 &
420 of IPC. The petitioner was arrested and remanded to custody on
01.12.2023.



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2. The case of the prosecution is that the petitioner along with other accused, in the guise of running a iron scrap business, induced the defacto complainant to invest a sum of Rs.85,00,000/- into the said business and thereafter, a less value of materials was supplied and thereby, they had cheated the defacto complainant. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and the petitioner has been falsely implicated in this case. He further submitted that the complaint has been lodged to grab money from the petitioner. He further submitted that A2 had already deposited a sum of Rs.25,00,000/- before the Judicial Magistrate Court, Poonamellee on 02.12.2023 in Receipt No.354592. He further submitted that co-accused had been granted bail. Hence, he prays for grant of bail to the petitioner herein.

4. Learned Additional Public Prosecutor submitted that the petitioner along with other accused, in the guise of running a iron scrap business, induced the defacto complainant to invest a sum of



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Rs.85,00,000/- in the said business and thereafter, cheated the defacto complainant. Hence, he objected for grant of bail to the petitioner herein.

5. Considering the fact that the entire amount had been deposited and co-accused in this case had been granted bail and considering the number of days of incarceration undergone by the accused, I am inclined to grant bail to the petitioner, subject to certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned Judicial Magistrate-II, Poonamallee, 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 cards or Bank pass Books to ensure their identity;

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m. until further orders;



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[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 229A IPC.

29.12.2023

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To

- 1.The Judicial Magistrate – II, Poonamallee.
- 2.The Central Prison, Puzhal-II, Chennai.
- 3.The Inspector of Police,
T4, Maduravoyal Police Station,
Thiruvallur District.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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