

Devaraj vs State Rep. by

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Court : Chennai

Decided On : Mar-26-2025

Judge : Honourable Mr.Justice Sunder Mohan

Appeal No. : CRL OP/8627/2025

Appellant : Devaraj

Respondent : State Rep. by

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN Crl.O.P.No.8627 of 2025 Devaraj .. Petitioner Vs. The State rep by The Deputy Superintendent of Police, EOW Chennai. (Crime No.15 of 2024) .. Respondent PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in C.C.No.11 of 2024 on the file of court of Special Judge Under the Tamil Nadu Protection of Interest of Depositors (in Financial Establishment) Act, 1997 Chennai on the file of the respondent. For Petitioner : M/s.P.Dasarathan For

ORDER

This is the second bail application filed by the petitioner. Page No.1 of 6

2. This Criminal Original Petition has been filed by the petitioner,

who was arrested and remanded to judicial custody on 03.09.2024, seeking bail in Crime No.15 of 2024 registered for the offence under Sections 406, 409, 420 of IPC and Section 5 of TNPID Act, 1977.

3. The case of the prosecution is that petitioner was working as the

Manager in a proprietary concern by the name 'Sun Homes Property Management and Development' and that A2 being its proprietor and A3 is the husband of A2; that the said Company had entered into a lease agreement with the land owners and paid the lease amount and thereafter, sublet the property to third parties and collected a sum of Rs.6,35,05,475/- and that they cheated the house owners and the lessees in the aforesaid manner.

4. The learned counsel for the petitioner would submit that the

petitioner was only working as the Manager, employed to identify houses and to show the prospective lessees the properties at the instance of A2 and A3 and the petitioner had not gained monetarily from the transaction and sought for bail to the petitioner. Page No.2 of 6

5. Learned Government Advocate (Crl.Side) appearing for the respondent police, confirms the aforesaid fact that the petitioner was working only as the Manager and he has not gained any monetary benefits.

6. Considering the aforesaid facts, the nature of allegations against

the petitioner, period of incarceration, the final report has been filed and since further custody of the petitioner is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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 Sessions Judge, Special Court under TNPID Act, Chennai, 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., 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 B.N.S. 26.03.2025 Index : Yes / No Internet : Yes / No dpa

Page No.4 of 6 To 1.The Deputy Superintendent of Police, EOW Chennai. 2.The Sessions Judge, Special Court under TNPID Act, Chennai. 3.The Superintendent of Prison, Central Prison, Puzhal. 4.The Public Prosecutor, High Court, Madras.

SUNDER MOHAN , J.

