IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twentieth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.18297 of 2018

PRAVEEN CHAND, [PETITIONER / ACCUSED]

Vs

STATE REP. BY [RESPONDENT]
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
JOB RACKET TEAM-IX,
VEPERY, CHENNAI.
CR.NO.229 OF 2018

For Petitioner : M/S.M.S.GOVINDARAJAN Advocate

For Respondent : MR. C.IYYAPPARAJ ADDL. PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner seeks bail in Crime No.229 of 2018 registered by the respondent police for the alleged offence punishable under Sections 420, 34 of IPC and Section 10 & 24 of Emigration Act, 1983.

2. The case of the prosecution as per the defacto complainant one Emil is that he and his friends approached Anoop (A1) for arranging job at Singapore, through Saffron Informatrix Private Limited and thereby, the defacto complainant and his friends had paid Rs.20,000/- each for visa processing. The further allegation is that the accused had cheated him and other persons.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that even as per the complaint, one Anoop had made the defacto complainant to deposit the money. He would submit that the monies have been deposited in the account of one Saffron Informatrix Private Limited. He would submit that other than the money being deposited into the account, the petitioner has nothing to do with the alleged offence. He would submit that even during enquiry stage, the petitioner has settled seven persons to the tune of Rs.1,40,000/-. He would also submit that an amount of Rs.1,92,000/- is lying in his account has been attached and frozen by the respondent and that an amount of Rs.1,00,000/- has been recovered

from yet another accused (A3), who has been arrested. He would submit that the major amount has been settled by the petitioner. However, he would submit that without prejudice to his contention, the petitioner is prepared to deposit Rs.1,50,000/- to the credit of Crime No.229 of 2018.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with the other accused induced the defacto complainant and others to deposit the amount and thereafter, cheated them to the tune of Rs.6,00,000/-, on the promise of securing job at Singapore. He would submit that the account of the petitioner has been frozen by the respondent. He would also submit that the respondent comes to understand that the petitioner has also settled seven persons and that from the custody of yet another accused A3, sum of Rs.1,00,000/- has been recovered.

5. Taking into consideration the facts of the case and taking note of the fact that the amount involved in the case and the amounts so far recovered and attached and also taking note of the fact that the petitioner is prepared to deposit a sum of Rs.1,50,000/- to the credit of crime number and that the petitioner is in custody from 20.06.2018, this Court is inclined to grant bail to the petitioner.

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-I, Poonamallee, and on further condition that:

[a] the petitioner shall deposit a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) to the credit of Crime No.229 of 2018 before the said Court before executing the bond.

[b] The final order in respect of the said deposit shall be passed by the trial Judge at conclusion of trial, however, in the event of the parties arriving at a settlement, the respondent shall file a petition to release the amounts credited to the deposit of Crime No.229 of 2018 in favour of the victims, who have not been repaid the amount.

[c] the petitioner shall report before the respondent Police daily at 10.30.a.m., until further orders.

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

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

[f] 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].**

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
20/07/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.1, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 STATE REP. BY
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
JOB RACKET TEAM-IX,
VEPERY, CHENNAI.

+2 CC to M/S.M.S.GOVINDARAJAN Advocate on payment of necessary charges-Sr.13511

CRL OP.18297/2018

Date :20/07/2018

ths : 20.07.2018