

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2018

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.O.P No.23500 of 2018

Mrs.Sofiya

... Petitioner/Accused

Vs.

The State Rep by
The Inspector of Police,
District Crime Branch,
Cuddalore.
(Crime No.07 /2018)

.... Respondent/Complainant

PRAYER: Criminal Original Petition has been filed under Section 439(1)(b) of the Code of Criminal Procedure, to modify the condition imposed by the Learned Judicial Magistrate-III, Cuddalore, in his bail order dated 19.09.2018 in Crl.M.P.No.2810 of 2018 to other reasonable conditions.

For Petitioner : Mr.M.Mohammed Rafi
For Respondent : Mr.C.Iyyappa Raj
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to modify the conditions imposed by the Learned Judicial Magistrate-III, Cuddalore, in his bail order dated 19.09.2018 in Crl.M.P.No.2810 of 2018.

2.The case of the petitioner is that the petitioner collected huge amount of Rs.3,50,000/- (Rupees Three Lakhs Fifty Thousand only) from the innocent general public for the purpose of securing jobs. According to prosecution, initially Rs.3,50,000/- cheated and during the investigation, it reveals that totally Rs.3.90 crores cheated 45 victims in job rocketing cases. Accordingly, the Law Enforcing Agency registered different cases against the petitioner in Crime No.103 of 2018 for the offence punishable under Sections 465, 468, 471 & 420 IPC on the file of Chidambaram Taluk P.S., in respect of Crime No.7 of 2018, for the offence punishable under Sections 465, 467, 468, 471, 420 & 120(b) IPC and Crime No.30 of 2018 for the offence punishable under Sections 465, 468, 471 & 420 IPC.

3. In the case in Crime No.103, this Court, dated 10.09.2018, while granting bail against the petitioner and another, imposed the condition that they shall deposit a sum of Rs.75 lakhs to the credit of Crime No.103 of 2018 before the learned Judicial Magistrate-II, Chidambaram. The case in Crime No.7 of 2018, the lower Court granted bail dated 19.09.2018 in favour of the petitioner in CrI.M.P.No.2810 of 2018, on condition that the petitioner shall deposit Rs.1 crore. As against the order of the same, the present modification petition has been filed.

4.The learned counsel appearing for the petitioner would submit that this Court, while granting bail to the petitioner imposed on condition to deposit Rs.75 lakhs, however, the lower Court without considering the same, has imposed a condition to deposit Rs.1 crore. The learned counsel for the petitioner on instructions, would submit that in order to show her bona fide, the petitioner is ready to deposit a sum of Rs.25 lakhs to the credit of Crime No.7 of 2018, on the file of the Judicial Magistrate III (FAC), Cuddalore. The learned counsel for the petitioner requested this Court to direct the petitioner, being pregnant lady to report before the respondent police, Chidambaram Taluk Police Station, Cuddalore District.

5.The learned Additional Public Prosecutor appearing for the State would submit that if the petitioner is ready to pay Rs.25 lakhs, this Court may enlarge on bail to the petitioner.

6.Considering the facts and circumstances of the case and also taking into consideration the fact that the total amount cheated by the petitioner in job rocketing cases is approximately Rs.3.90 crores, this Court is inclined to modify the condition No.(a) of the order that the petitioner shall deposit a sum of Rs.25 lakhs [instead of Rs.1 Crore] to the credit of Crime No.7 of 2018 on the file of the Judicial Magistrate III, Cuddalore, within a period of six weeks from the date on which the petitioner is released. In respect of the condition (b) of the order, directing the petitioner to execute two sureties for a sum of Rs.10 lakh is concerned, the same shall stand modified and the petitioner is directed to execute two sureties each for a sum of Rs.10,000/-. Considering the request made by the learned counsel for the petitioner, the petitioner is directed to report before the Judicial Magistrate II, Chidambaram, daily at 10.30 a.m. until further orders.

7.If the petitioner deposited the entire amount to the credit of Crime No.7 of 2018, the lower Court is directed to disburse the amount to the victims proportionately within a period of three months thereafter.

Sd/-
Assistant Registrar(CS IX)

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Sub Assistant Registrar

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To

1.The Judicial Magistrate No.III
Cuddalore

2.The Chief Judicial Magistrate,
Cuddalore

3.The Judicial Magistrate.II
Chidambaram

4.The Inspector of Police,
District Crime Branch,
Cuddalore.

5.The Public Prosecutor,
Madras High Court,
Chennai.

+1cc to Mr.M.Mohammed Rafi, Advocate, S.R.No.69905

CRL.OP No. 23500 of 2018

SSV(CO)
GSP(10/10/2018)

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