

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Crl.O.P.No.5305 of 2020

and

Crl.M.P.No.3727 of 2020

Packiya Selvaraj, (M/45)

S/o. Soosai

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
P-5 MKB Nagar Police Station,
Chennai.

Crime No.124 of 2020. ...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of arrest in Connection with the Crime No.124 of 2020 pending on the file of the respondent Police.

For Petitioner : Mr. C.P.Palanichamy

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(b), 465, 467, 468, 471, 109, 420 of IPC in Crime No.124 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Jayapaul is that the petitioner introduced the first accused/Banumathi to him to be influential person in the Government and thereafter, the petitioner and the said Banumathi induced the defacto complainant stating that they will be able to obtain jobs for various persons. Based on the inducement and the false promise given by the petitioner and the first accused, the defacto complainant had collected money of Rs.35 lakhs from 35 persons and paid the same to the accused. Thereafter, the accused had neither obtained job nor repaid the amount. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Other than the fact that the said Banumathi is known to him and he had arranged for a portion in the premises of the defacto

complainant for rent, he has not done any offence. He would further submit since, the petitioner is employed in Chennai Corporation, the defacto complainant without any basis, putting pressure on him and attempting to recover the money under the threat of arrest. He would further submit that without prejudice to his contention and defence, the petitioner is prepared to deposit title deeds of immovable properties to prove his bonafide. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner along with one Banumathi claiming to be influential persons in Government and on the false assurance of obtaining Government jobs, had collected Rs.35 lakhs from 35 persons through the defacto complainant. He would submit that the accused are absconding. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. The learned counsel appearing for the intervenor would submit that the petitioner is an influential person and related to the defacto complainant. He had introduced Al Banumathi to the defacto complainant and both of them had induced the defacto complainant stating that they would be able to obtain Government jobs for persons. Based on the inducement, the defacto complainant had collected amount of Rs.35 lakhs from 35 persons and handed it over to the petitioner. Thereafter, they did not obtain jobs nor returned the money and thereby, cheated them. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

6. Taking into consideration the facts and circumstance of the case and the submissions of the learned Counsels and that the petitioner has come forward to deposit original title deeds of immovable properties to the credit of crime number, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

7. Accordingly, the petitioner is directed to deposit original title deeds of immovable properties stands in his name or his relative's name, not less than the value of Rs.35,00,000/- (Rupees thirty five lakhs only) to the credit of Crime No.124 of 2020 within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier. On such deposit, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance before the learned X Metropolitan Magistrate, Egmore, Chennai, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter every Monday at 10:30 a.m until further orders.

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

[d] the petitioner shall not abscond 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

8.With the above directions, this Criminal Original Petition is ordered. Consequently, connected miscellaneous petition is closed.

-sd/-

04/08/2020

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 METROPOLITAN MAGISTRATE,
NO.X, EGMORE, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
P-5, MKB NAGAR POLICE STATION, CHENNAI.

CC to M/S.C.P.PALANICHAMY Advocate on payment of necessary charges

CC to M/S.MALINI GEORGE Advocate on payment of necessary charges

CRL OP.5305/2020

and

Crl.M.P.No.3727 of 2020

Date :04/08/2020

RD 28/08/2020

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