

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2020

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

Crl.OP.No.6045/2020

T.Palpandi

... Petitioner/Accused NO.2

Vs

The State,
Rep. By The Inspector of Police,
Job Racke, Team-IX,
Central Crime Branch,
Vepery, Chennai 600 007.
(Cr.No.243/2013)

... Respondent / Defacto complainant

Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of arrest in Cr.NO.243/2019 on the file of the respondent police.

For Petitioner : Mr.Veeraraghavan for
M/S.B.Sharmila

For Respondent : Ms.Chandra, APP

ORDER

The petitioner, who apprehends arrest at the hands of the respondent- police for the alleged offences under Sections 406, 420, 465, 467, 468, 471 and 506(i) of IPC r/w Section 66-D of the Information Technology (Amendment) Act, 2008 in Crime No.243 of 2019 on the file of the respondent-police, seeks anticipatory bail.

2.The case of the prosecution is that in order to secure Central Government Job, the accused had collected a sum of Rs.11,05,000/- from the defacto complainant and cheated him. Hence the complaint.

3.The learned counsel for the petitioner submits that the petitioner did not commit any offence as alleged by the prosecution and he is in no way connected in this case.However, on instruction, learned counsel submits that without prejudice to the right of the petitioner, the petitioner is ready to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) and on such deposit being made, the said amount may be disbursed to the victim after obtaining necessary affidavit.

4.The learned Government Advocate (Crl. Side) submits that it is a clear case of job racketing in which the petitioner is involved and huge amounts have been collected from many persons, including the defacto complainant. It is further submitted that investigation in the case is still under progress.

5. Taking into consideration the facts and circumstances of the case and submissions made on either side, and the further fact that the petitioner is ready to abide by any condition that may be imposed by this Court, including deposit of any amount, as may be directed, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail, in the event of arrest, or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Special Court of CCB-CBCID, Egmore, Chennai, and on such appearance 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 said Magistrate, and on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within the period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioner shall deposit a sum of Rs.5,00,000/- (Rupees five Lakhs only) to the credit of the Crime No.243 of 2019 on his appearance before the Magistrate and on such deposit being made, the learned Magistrate concerned is directed to disburse the said amount to the victims after taking appropriate undertaking affidavit and acknowledgment from the victims regarding receipt of the amount.

[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 petitioner in accordance with law as if the conditions have been imposed and the petitioners released on bail by the Trial Court/learned Magistrate himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala**

[f] if the accused thereafter absconds, a fresh
FIR can be registered under Section 229-A IPC.

-sd/-
21/07/2020

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 SPECIAL COURT OF
CCB-CBCID, EGMORE, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
JOB RACKE, TEAM - IX,
CENTRAL CRIME BRANCH,
VEPERY, CHENNAI - 600 007

CC to M/S.B.SHARMILA Advocate on payment of necessary
charges

CRL OP.6045/2020

Date :21/07/2020

MK:29/07/2020

सत्यमेव जयते

WEB COPY