

IN THE HIGHCOURT OF JUDICATURE AT MADRAS

DATED 10.06.2020

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Criminal Original Petition No.6778 of 2020

Rajesh Kumar

..... Petitioner

Vs.

State rep. By
The Inspector of Police,
CCB - II,
Chennai
Crime No.26 of 2020

... Respondent

Prayer:- This Criminal Original Petition has been filed under Section 439 Cr.P.C., seeking to release the petitioner/accused on bail, pending investigation in Crime No.26 of 2020 on the file of the respondent Police.

For Petitioner : Mr.M.Selvakumar
For Respondent : Mr.S.Karthikeyan,
Additional Public Prosecutor

ORDER

सत्यमेव जयते

The petitioner herein was arrested by the respondent Police on 24.02.2020 for the alleged offence punishable under Sections 406, 420 I.P.C., and Sections 10 and 24 of Emigration Act. Seeking bail, the petitioner is before this Court with this Criminal Original Petition.

2.The case of the prosecution is that, the defacto complainant Thangabalan lodged a complaint on 22.02.2020 alleging that five years ago, he approached the

petitioner for job abroad and the petitioner herein promised to get him job in Dubai. The petitioner is running a Manpower Agency in Karambakkam. The petitioner received a sum of Rs.60,000/- on several occasions from the defacto complainant but he failed to get job in abroad for the petitioner.

3.The learned counsel for the petitioner would submit that the petitioner herein is only a sub-agent to the main agent and further, he only introduced the defacto complainant to the main agent. The learned counsel would further submit that already the petitioner herein returned Rs.50,000/- to the defacto complainant however, suppressing the above fact, the defacto complainant has foisted the false case against the petitioner.

4.The learned Additional Public Prosecutor would submit that on 26.03.2020 this Court had already granted interim bail to the petitioner herein on condition that the petitioner herein was directed to be released on interim bail till 27.04.2020 on executing own bond for Rs.10,000/- (Rupees ten thousand only) before the Superintendent of the Central Prison concerned. This Court further directed to post the matter before the Court for further orders on 20.04.2020.

5.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

6.Taking into consideration the nature of allegation against the petitioner in the F.I.R., and also taking note of the fact that the petitioner herein was already granted interim bail by this Court on 26.03.2020, this Court is inclined to grant regular bail to the petitioner, subject to the following conditions:-

(a)The petitioner shall deposit a sum of Rs.25,000/- (Rupees twenty five thousand only) to the Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai – 600 020, Andhra Bank, Madhya Kailash Branch (SB A/c No.149710011005477). The proof of such deposit to be produced before the Concerned Court while executing sureties.

(b)The petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate within a period of 15 days from the date of lifting of lock down and commencement of regular functioning of Court below, failing which the bail granted by this Court shall stand dismissed automatically;

(c)The sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the learned Magistrate may obtain copy of their Aadhar Cards or Bank Pass Books to ensure their identity;

(d)The petitioner shall report before the respondent Police as and when required for interrogation;

(e)The petitioner shall not commit any offences of similar nature;

(f)The petitioner shall not abscond either during investigation or trial;

(g)The petitioner shall not tamper with evidence or witness either during investigation or trial;

(h)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);

(i)if the accused thereafter absconds, a fresh FIR can be registered under Section 229A I.P.C.,

7.With the above directions, this Criminal Original Petition is ordered.

10.06.2020

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To

- 1.The Judicial Magistrate No.1,
Poonamallee, Chennai.
- 2.The Public Prosecutor,
High Court, Madras.
- 3.The Inspector of Police,
CCB - II,
Chennai.
- 4.The Superintendent,
Central Puzhal.



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M.NIRMAL KUMAR.J.,

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