

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.7463 of 2020

Samarasam

... Petitioner

Vs.

State Rep. By

... Respondent

The Inspector of Police,
District Crime Branch,
Cuddalore District.
Cr.No.4 of 2020.

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.4 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Sarath Chandran

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.02.2020 for the offence punishable under Sections 468, 471, 420 and 506(i) of I.P.C., in Crime No. 4 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner/accused have collected a sum of Rs.9,00,000/- from the defacto complainant to arrange Government job for his son on 15.08.2015. Thereafter, the petitioner also fabricated the appointment order dated 31.01.2017 and issued to the defacto complainant and assured that the original order will be received within a period of ten days. Thereafter, the defacto complainant came to understand that it is a fabricated one and questioned about the same to the petitioner and also requested to return the amount. But, the petitioner did not return the said amount and also refused to return the same. Hence, the complaint.

3. The learned counsel for the petitioner would submit that even according to the case of the defacto complainant, he paid a sum of Rs.9,00,000/- in the year 2015. After five years, the present complaint has been lodged. Further, there is no explanation for the belated complaint. Further, he submitted that the petitioner was arrested and remanded to judicial custody on 20.02.2020 and till now, the respondent did not complete the investigation and did not file any charge sheet. Therefore, the petitioner is entitled to statutory bail under Section 167 (2) of Cr.P.C. Therefore, he prayed for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor (Crl.Side) submitted that the petitioner not only cheated the defacto complainant, there are so many victims are there. Insofar the respondent received three complaints from three victims and thereby the petitioner received a sum of Rs.22,00,000/- to get the job in the respective Government departments and also fabricated the false appointment order and issued the copy of the same to the victims. Thereby, he committed serious offence to the society. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen that the petitioner is a sole accused and he collected a sum of Rs.9,00,000/- from the defacto complainant to get the Assistant Engineer post in the Government department and he also fabricated the appointment order and issued a copy of the order to the defacto complainant. Thereafter, it was found to be a fabricated one and the petitioner also refused to return the amount which was received by him from the defacto complainant. It is also seen that the other victims are also there and from them, the petitioner received another 13 lakhs. Therefore, the petitioner has committed very serious offence from the poor innocents. He is also refused to return back the amount.

6. Considering the fact and circumstances of the case, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original petition stands dismissed.

-sd/-

07/05/2020

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 PRINCIPAL SESSIONS JUDGE,

<https://hcservices.pcourt.gov.in/hcservices/>

2 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
CUDDALORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

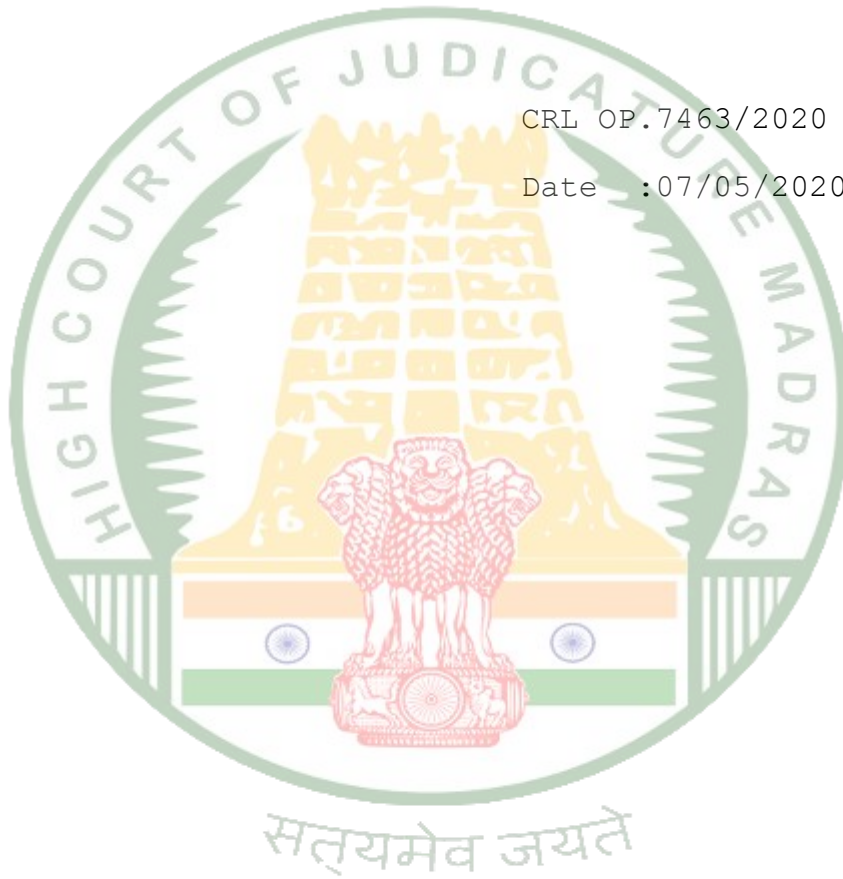
4 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

CC to MR.S.SARATH CHANDRAN, Advocate on payment of necessary
charges

CRL OP.7463/2020

Date :07/05/2020

TA-12/06/2020



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