

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.7546 of 2020

Vijaayasundharam

... Petitioner

Vs.

The State Rep. by  
The Station House Officer,  
District Crime Branch, Cuddalore.

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation in Cr.No.31 of 2019 on the file of respondent police.

For Petitioner : Mr. B. Manoharan

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

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 24.01.2020 for the offence punishable under Sections 406, 420, and 506(i) IPC in Crime No.31 of 2019 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner received a sum of Rs.8,56,000/- from the defacto complainant to get job at Neyveli Lignite Corporation, Neyveli, as contract labour. Thereafter, the petitioner did not arrange any job to the defacto complainant and also refused to return the said amount. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner never received any amount from the defacto complainant to get contract labourer job in Neyveli Lignite Corporation, Neyveli. He further submitted that there was some money transaction between the petitioner and the defacto complainant in the year 2017 and that the petitioner was regularly paying the loan amount along with interest at the rate of 30% per annum. Even after repayment of entire loan amount, the defacto complainant demanded more money and more interest. When the same was refused, the defacto complainant lodged a false complaint with the above said false allegation. He further submitted that the petitioner is in judicial custody from 24.01.2020 and hence, he seeks bail for the petitioner.

4. The learned Additional Public Prosecutor (Crl. Side) would submit that the petitioner received a sum of Rs.8,56,000/- to get contract labourer job in the Neyveli Lignite Corporation, Neyveli.

Thereafter, he neither arranged any job nor returned the money and thereby cheated the complainant. He further submitted that already there was some loan transaction between them in which, there was some balance due by the petitioner to the defacto complainant. Hence, he opposed for grant of bail to the petitioner.

5. It is seen that there was a money dispute between the petitioner and the defacto complainant for which, the defacto complainant has demanded more interest from the petitioner. Further, the allegation of getting contract labourer post in the Neyveli Lignite Corporation, Neyveli, is not believable one and receiving a sum of Rs.8,56,000/- is also not believable and it is seen that there is only a money transaction between the petitioner and the defacto complainant .

6. Considering the above facts and circumstances of the case and also period of incarceration by the petitioner from the date of his arrest viz., 24.01.2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions :

[a] the petitioner shall execute his own bond for a sum of Rs.10,000/- (Rupees Ten thousand only) before the Superintendent of the concerned prison;

(b) thereafter, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate on or before 08.06.2020, failing which the bail granted by this Court shall stand dismissed automatically.

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(d) the petitioner shall report before the respondent police as and when required for interrogation.

[e] the petitioner shall not abscond either during investigation or trial.

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

[g] 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].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

13/05/2020

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 LEARNED PRINCIPAL SESSIONS  
COURT, CUDDALORE

2 THE LEARNED DISTRICT  
MUNSIFF CUM JUDICIAL MAGISTRATE, NEYLEYI

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 STATION HOUSE OFFICER,  
DISTRICT CRIME BRANCH,  
CUDDALORE

5 THE SUPERINTENDENT,  
CENTRAL PRISON, CUDDALORE.

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

CRL OP.7546/2020

Date :13/05/2020

RVR 04/08/2020

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