

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.06.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.9280 of 2020

S.Krishnakumar

.. Petitioner

/versus/

State Represented by
The Inspector of Police,
J.11, Kannagi Nagar Police Station,
Chennai – 600 097,
Crime No.566 of 2020.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioner on bail pending investigation in Crime No.566 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.C.Paul Kanagaraj

For Respondent : Mr.K.Prabhakar,
Addl Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 03.06.2020 for the alleged offence punishable under Sections 406 and 420 IPC in Crime No.566 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant one Vinoth Kumar, who is the Manager of Muthoot Finance is that the petitioner pledged fake jewellery and obtained loan to a tune of Rs.1,27,400/-, from Muthoot Finance and cheated them.

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. He would further submit that the petitioner pledged the jewels on 08.01.2020, thereafter, even as per the prosecution, the appraiser verified the jewels on 18.01.2020, whereas, a complaint has been filed by the respondent only on 02.06.2020, after a period of five months. He would further submit that the petitioner is a M.B.A. graduate and that he has genuinely obtained loan. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent is that the petitioner pledged the fake jewellery and obtained loan of Rs.1,27,400/- from Muthoot Finance. One previous case is pending against the petitioner in similar nature. He would further submit that investigation is still pending and only after the arrest of the appraiser they will be able to trace out further details.

5. Taking into consideration the period of incarceration and the submission made by the learned counsel for the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions :

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate-II, Alandur, within 15 days from the date of lifting of the lockdown and the commencement of the Court's normal functioning, 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 every day at 10.30 a.m. for a period of one week and thereafter every Monday at 10.30 a.m. until further orders.

(e) the petitioner to furnish the correct details of address along with mobile number to the Investigating Officer and to the concerned Court.

(f) the petitioner shall not commit any offences of similar nature;

(g) the petitioner shall not abscond either during investigation or trial;

(h) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(i) on breach of any of the aforesaid conditions, the learned Judicial 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];

(j) 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.

सत्यमेव जयते

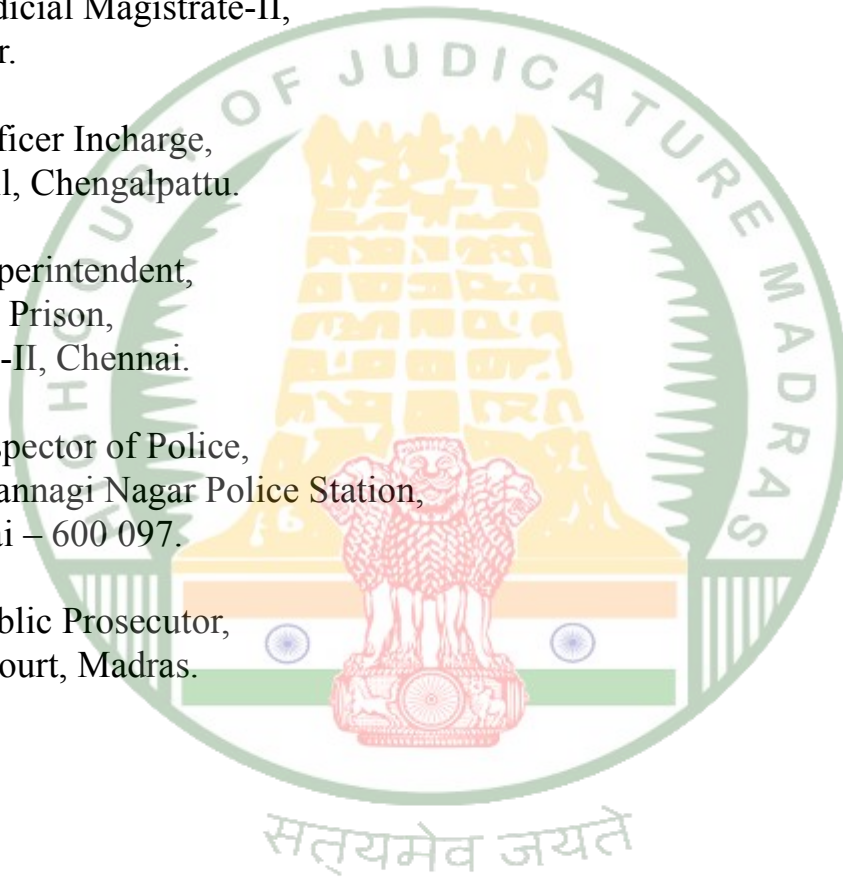
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To

- 1.The Judicial Magistrate-II,
Alandur.
- 2.The Officer Incharge,
Sub-Jail, Chengalpattu.
- 3.The Superintendent,
Central Prison,
Puzhal -II, Chennai.
- 4.The Inspector of Police,
J.11, Kannagi Nagar Police Station,
Chennai – 600 097.
- 5.The Public Prosecutor,
High Court, Madras.

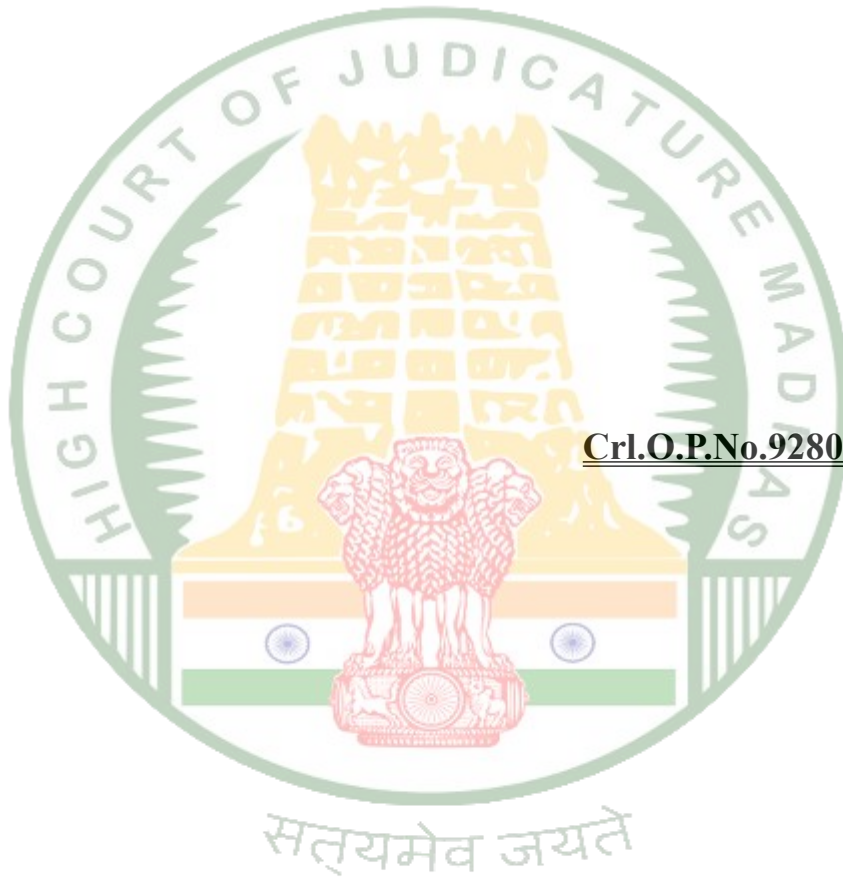


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A.D.JAGADISH CHANDIRA, J.

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