

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.9960 of 2020

J.PraveenKumar

.. Petitioner

Vs.

State represented. by
Inspector of Police,
District Crime Branch
Cuddalore Police Station
Cuddalore.
(Crime No.12/2020)

..Respondent

Prayer: Criminal Original Petition filed under Section 439 of Criminal Procedure Code, praying to enlarge the petitioner on bail pending investigation in Crime No.12 of 2020 on the file of the Respondent.

For Petitioner : Mr.R.Vivekananthan

For Respondent : Mr.K.Prabakar
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 16.06.2020 for the alleged offences under Sections 406, 420, 506(i) of IPC in Crime No.12 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant one K.Shankar is that the petitioner along with A1 had received an amount of Rs.5 lakhs from the de-facto complainant for getting a job in the TANGEDCO on the false assurance and cheated him.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and excepting the fact that the petitioner had introduced the de-facto complainant to A1, he is no way connected with the alleged offence. He would further submit that the petitioner is running a computer centre where A1 used to come and he had stated that he will get a job for the de-facto complainant in TANGEDCO. He would submit that even as per the complaint, the de-facto complainant has sent the entire amount to the bank account of A1. Further, when A1 was unable to secure the job, he had assured to return the money and he had repaid Rs.50,000/- by cash and had executed a

document to return the balance amount and the only mistake committed by the petitioner is that he had signed as a witness to the document executed by A1. He would further submit that to prove his bonafides the petitioner is prepared to deposit the title deed of documents either belonging to himself or his relatives as security and hence, he seeks for bail.

4. The learned Additional Public Prosecutor would submit that the petitioner and A1 induced the defacto complainant and received an amount of Rs.5 lakhs on the false promise to secure a job in TANGEDCO and thereby cheated the de-facto complainant. The petitioner is the person who introduced the defacto complainant to A1. He would further submit that investigation is pending.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels and also taking note of the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

a) 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 District Munsif cum Judicial Magistrate, Neyveli, Cuddalore and shall also deposit the original title deeds of an immovable property to the value of Rs.5 lakhs either belonging to himself or to his relatives, within a period of 15 days from the date of lifting of lockdown and 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 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 daily at 10.30 a.m for a period of two weeks and thereafter , 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 IPC.

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

-sd/-
02/07/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
NEYVELI, CUDDALORE

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE DISTRICT. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
CUDDALORE POLICE STATION, CUDDALORE.

5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

CC to M/S R.VIVEKANANTHAN Advocate on payment of
necessary charges

CRL OP.9960/2020

Date : 02/07/2020