

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.07.2020

CORAM :

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

Crl.O.P.No.10656 of 2020

Vankatachalam

... Petitioner

Vs.

State rep. by its
Station House Officer
DCB, Cuddalore District
(Crime No.12 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with Crime No.12 of 2020 pending on the file of the Station House Officer, DCD, Cuddalore.

For Petitioner : Mr.A.T.Anbu Kumar

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

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 offences punishable under Section 406, 420 & 506 (I) IPC, in Crime No.12 of 2020, seeks bail.

2. The case of the prosecution is that the petitioner under the guise of securing jobs at TANGEDCO, received a sum of Rs.5 lakhs from the defacto complainant and cheated him.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that in respect of a financial dispute regarding non repayment a false complaint has been given by the defacto complainant as if money was taken for securing job and thereby false case has been registered against him. On instruction, he would further submit that without prejudice to his defence and contentions in order to prove his bonafide, the petitioner is prepared to deposit the original title deeds of the documents worth to the tune of Rs.10 lakhs either belonging to him or to his relatives/friends before the concerned Magistrate. He would further submit that the co-accused in this case has been granted bail by this Court in Crl.O.P.No.9960 of 2020.

4.The learned Government Advocate (Criminal Side) would submit that the petitioner along with other accused induced the defacto complainant to pay him money on the assurance of getting a job in TANGEDCO and cheated a sum of Rs.5 lakhs and has returned only a sum of Rs.50,000/-.

5.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsel for the petitioner that the petitioner is prepared to deposit the original title deeds of documents to the value of Rs.10 lakhs before the concerned Magistrate, 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 condition to execute 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 District Munsif cum Judicial Magistrate, Neyveli, Cuddalore District, within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, failing which the bail granted by this Court shall stand dismissed automatically;

(c) **the petitioner shall deposit the original title deeds of the documents either belonging to him or to his relatives to the tune of Rs.10 lakhs before the concerned Magistrate.**

(d) 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;

(e) **the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter on every Monday at 10.30 a.m. until further orders.**

(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 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];

(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.

-sd/-
20/07/2020

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 DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE STATION HOUSE OFFICER,
DCB CUDDALORE DISTRICT

CC to A.T.ANBU KUMAR Advocate on payment of necessary charges

CRL OP.10656/2020

Date :20/07/2020

MK:17/08/2020