

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.07.2020

CORAM :

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

Crl.O.P.No.10861 of 2020

G.M.Devendran

... Petitioner

- Vs. -

The State Represented by,
The Assistant Commissioner of Police,
CCB - Cyber Crime XIII Wing,
Egmore,
Chennai.
(Crime No.237 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.237 of 2020 on the file of the respondent police.

For Petitioner : Mr. T. K. Sathia Seelan

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

ORDER

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 24.06.2020 for the offences punishable under Sections 188, 269 and 420 of the Indian Penal Code, 1860 and Section 3 of Epidemic Diseases Act, 1897 and Section 51 of Disaster Management Act, 2005 in Crime No. 237 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with the other accused have entered into a conspiracy, manipulated official records and created fabricated e-passes for the purpose of transporting people from one district to another district in violation of the conditions imposed by the State Government and thereby they have obtained illegal pecuniary gains.

3. The learned counsel for the Petitioner would submit that the petitioner is an innocent person and he is only driver of the vehicle. Based on the e-passes given to him by the owner of the cab, he had transported public from one district to another district and he has been falsely implicated in this case. He would further submit

that the petitioner is in incarceration from 24.06.2020. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner along with the other accused by furnishing fake details, obtained e-passes. He would further submit that it is a syndicate of officers belong to Government departments and others who have issued the e-passes for illegal pecuniary gains and also submit that investigation is still pending. Hence, he vehemently opposed to grant of bail to the petitioner.

5.Taking into consideration of the facts and circumstances of the case, 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 CCB & CBCID, Metropolitan Magistrate Court, Egmore, Chennai, **within a period of 15 days from the date of lifting of the 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 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 everyday at 10.30 a.m., for a period of two weeks and thereafter, every Monday at 10.30 a.m., until further orders.**

(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 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]**;

(i) 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/-
27/07/2020

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 CCB & CBCID,
METROPOLITAN MAGISTRATE COURT,
EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE ASST COMMISSIONER OF POLICE,
CCB-CYBER CRIME XIII WING,
EGMORE, CHENNAI.

5 THE OFFICER INCHARGE
SUB JAIL, POONAMALLEE.

CC to M/S.T.K.SATHIA SEELAN Advocate on payment of necessary charges

CRL OP.10861/2020

Date :27/07/2020

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TA-08/09/2020