

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.Nos. 11365, 11268 & 11317 of 2020

Kumaran Male/aged about 35 years,

S/o.Elamparithi,

9, Grey Nagar, 2nd Street, Pulianthope,

Chennai - 12.

... Petitioner/5th Accused

in Crl.O.P.No.11365/2020

R.Vinoth Kumar (M/A 32 years) (A3),

S/o.Ravichandran,

No.31/36, N Block MMDA Colony,

Arumbakkam,

Chennai 600 106

... Petitioner/Accused

in Crl.O.P.No. 11268/2020

Udhayakumar, Male, 34 years,

S/o.Mani,

No.79, 14th Central Cross Street,

M.K.B.Nagar, Chennai.

... Petitioner/4th Accused

in Crl.O.P.No.11317/2020

Vs.

सत्यमेव जयते

The State represented by,

XIII Team, Cyber Crime Cell,

Central Crime Branch,CCB-1, Chennai,

(Crime No. 237 of 2020). ... Respondent/Complainant

in Crl.O.P.No.11365/2020

The State represented by,

The Inspector of Police,

Cyber Crime XIII Wing,

Central Crime Branch,

Vepery, Chennai.

... Respondent/Complainant

in Crl.O.P.No.11268/2020

The Inspector of Police,
Central Crime Branch (CCB-I),
Office of the Commissioner of Police,
Egmore, Chennai.

(Crime No. 237 of 2020)

... Respondent/Complainant

in CrI.O.P.No.11317/2020

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to grant bail to the petitioners in Crime No. 237 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.C.Paul Kanagaraj
(in CrI.O.P.No.11365/2020)
: Mrs.R.Anuradha
(in CrI.O.P.No.11268/2020)
: Mr.V.Vargees Amal Raja
(in CrI.O.P.No.11317/2020)

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (CrI. Side)
in all petitions

C O M M O N O R D E R

(The case has been heard through video conference)

The petitioners viz., Kumaran & Udhayakumar, who were arrested and remanded to judicial custody on 24.06.2020 and the petitioner viz., R.Vinoth Kumar, who was arrested and remanded to judicial custody on 23.06.2020, for the offences punishable under Section 188, 269 and 420 of IPC r/w Section 3 of Epidemic Disease Act and Section 51 of Disaster Management Act 2005, in Crime No.237 of 2020, seek bail.

2 The case of the prosecution is that the petitioners/ 4th and 5th accused, who are the Government officials have illegally formed a syndicate with other Government servants and travel agents and by fabricating and manipulating the records, have issued e-passes to ineligible persons for travelling between Districts, during the Covid-19 period and thereby involved in illegal activities and obtained pecuniary gains. Hence, the complaint.

3 Mr.R.C.Paul Kanagaraj, learned counsel appearing for the petitioner in CrI.O.P.No.11365/2020 would submit that the petitioner/Kumaran/A5 is a Senior R.I. and he was affected by Covid-19 due to which, he was in quarantine and at that time, his colleagues misused his digital signature and had issued e-passes to

ineligible persons and the petitioner was not aware of the same. He would further submit that the petitioner is in custody for 36 days as on today. Hence he prays for grant of bail to the petitioner.

4 Mr.V.Vargees Amal Raja, learned counsel for the petitioner in Crl.O.P.No.11317/2020, would submit that the petitioner/Udhayakumar is a Junior R,I. and he has been falsely implicated in this case. He would submit that the petitioner has been suspended from the department and the major part of the investigation is over. Hence he prays for grant of bail to the petitioner.

5 Mrs.R.Anuradha, learned counsel for the petitioner in Crl.O.P.No.11268/2020 would submit that the petitioner is a driver and he had affixed e-passes given by his owner and he has nothing to do with the alleged offence and he has been falsely implicated in this case. He would further submit that similarly placed accused have been granted bail by this Court. Hence, he prays to grant bail to the petitioner.

6 The learned Government Advocate (Crl. Side) would submit that the petitioners along with other accused persons by fabricating official records, have issued E-passes to ineligible persons and gained benefits. He further submitted that the investigation is pending. Hence, he vehemently opposed for grant of bail to the petitioners.

7 Taking into consideration the facts and circumstances and also considering the submissions made by the learned counsel, and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute their 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 their release;

(b) each petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Metropolitan Magistrate for CCB and CBCID cases, Egmore, Chennai, 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 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 petitioners shall report before the respondent police daily 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 petitioners shall not commit any offences of similar nature;

(f) the petitioners shall not abscond either during investigation or trial;

(g) the petitioners 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 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];

(i) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

29/07/2020

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, EGMORE, CHENNAI

2 THE OFFICER INCHARGE
SUB-JAIL, POONAMALLEE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
XIII TEAM, CYBER CRIME CELL,
CENTRAL CRIME BRANCH, CCB -1, CHENNAI,

CC to MR.R.C.PAUL KANAGARAJ Advocate on payment of necessary charges

CC to MR.R.ANIRADHA Advocate on payment of necessary charges

CC to MR.V.VARGEES AMAL RAJA Advocate on payment of necessary charges

CRL OP.11365, 11268 & 11317 of 2020
Date :29/07/2020

PD 27/08/2020

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