IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.08.2020

CORAM :

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

Crl.O.P.No.12123 of 2020

M.Raj Kumar ... Petitioner

Vs.

State by: ... Respondent
The Inspector of Police,
Central Crime Branch,
Bank Fraud Prevention Wing,
Team-XXXi, Chennai-600 007.
(Crime No.9 of 2020)

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.9 of 2020 pending investigation on the file of the Respondent Police.

For Petitioner : Mr.C. Mohanraj

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 11.07.2020 for the offences punishable under Section 120 (b), 420, 468, 471 of IPC and Section 66 (C) & 66 (D) of I.T Act, 2008, in Crime No.9 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused had conducted a Call Centre and under the guise of arranging bank loan, cheated the gullible public to the amounts running to several crores of rupees. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that the petitioner is an illiterate, the other accused while starting the company had used his innocence and declared him as a Director of the company. He would further

submit that the petitioner himself had surrendered before the respondent police on 11.07.2020 and he was remanded to judicial custody on the same day. He would also submit that the main accused in this case who are the beneficiaries of the transaction, have been enlarged on bail and that the petitioner has been suffering incarceration for 35 days as on today. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner along with other accused conspired together and under the guise of running a Call Centre gave a false promise of arranging bank loan, cheated the gullible public and collected several crores of rupees and the investigation is pending. Hence, he vehemently opposed for the grant of bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and the fact that co-accused have been enlarged on bail and considering the period of incarceration undergone by 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 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 C.C.B. & CBCID, Metropolitan Magistrate, 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 Aadhaar card or Bank pass Book to ensure their identity;

(d)**the petitioner shall report before the Respondent Police Station every day 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 petitioners 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/-
13/08/2020

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 C.C.B., AND CBCID METROPOLITAN MAGISTRATE, CHENNAI.

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

3 THE PUBLIC PROSECUTOR HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
BANK FRAUD PREVENTION WING, TEAM-XXXI,
CHENNAI-600 007.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

CC to M/S.C.MOHANRAJ Advocate on payment of necessary charges

CRL OP.12123/2020

Date :13/08/2020

TA-08/09/2020