

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.08.2020

CORAM :

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

Crl.O.P.Nos.12258, 12480, 12481, 12482 of 2020

R.Manibala, S/o.Radhakrishnan ... Petitioner in Crl.O.P.
No.12258 of 2020

MOHAMED SHAKIR.H,
S/o Mohamed Haneef, ... Petitioner in Crl.O.P.
No.12480 of 2020

A. JAVEED, S/o Ahamed Hussian ... Petitioner in Crl.O.P.
No.12481 of 2020

Gokulakrishnan, S/o Rajaram ... Petitioner in Crl.O.P.
No.12482 of 2020

Vs.

The State Rep. By
The Inspector of Police,
Central Crime Branch - I,
Bank Fraud Prevention Wing,
Team-XXXI, Chennai.
(Crime No.09 of 2020) Respondent in
all petitions

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.09 of 2020 on the file of the Inspector of Police, Central Crime Branch - I, Bank Fraud Prevention Wing, Team-XXXI, Chennai.

For Petitioner : Mr.S.L.Sudarsanam [12258 of 2020]

Mr.N.Thamizhanban [12480, 12481 &
12482 of 2020]

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

C O M M O N O R D E R

(The case has been heard through video conference)

The petitioner in Crl.O.P.No.12258 of 2020, who was arrested and remanded to judicial custody on 09.07.2020, and the petitioners in Crl.O.P.Nos.12480, 12481 and 12482 of 2020, who were arrested and remanded to judicial custody on 11.07.2020, for the offences

punishable under Sections 120B, 420, 467, 468, 471 I.P.C and 66C, 66D r/w 43 Information Technology (Amendment) Act, 2008 in Crime No. 09 of 2020, seek bail.

2. The case of the prosecution is that the petitioners along with other accused operated registered and unregistered call centers in the guise of running software companies and through telecallers, induced gullible persons in the false assurance of offering loans and other beneficial schemes and obtained money from them running to several crores of rupees and cheated them.

3. The learned counsel Mr.N.Thamizhanban, appearing for the petitioners in CrI.O.P.No.12480, 12481 and 12482 of 2020 would submit that the petitioners were only employees in the company run by the main accused. The main accused lured them that they will be paid huge incentives and obtained signature in several forms. The petitioners without understanding the consequences, have signed the documents and the main accused have also shown the petitioners as directors in the company. The fact remains that they have only been paid monthly salary and that they are not beneficiaries or recipients of the illegal money earned by the main accused. He would submit that the main accused Selva @ Selvakumar, Kumar @ Kumaresan and MithunPriyan have been released on bail by the Sessions Court and one Rajkumar who is a person placed similarly as that of the petitioners has been enlarged on bail by this Court in CrI.O.P.No.12123 of 2020 on 13.08.2020. He would further submit that they had voluntarily surrendered before the Court on 11.07.2020 and they are in custody for more than 35 days. He would further submit that the entire case is borne by the documents and the petitioners are prepared to cooperate with the respondent for investigation.

4. The learned Counsel Mr.Sudarsanam, appearing for the petitioner in CrI.O.P.No.12258 of 2020 would submit that the petitioner on seeing the advertisement appeared for interview and he was selected for the post and he joined the company only on 01.07.2020 and unfortunately he was arrested on 09.07.2020 and he was working in the company hardly for 8 days and he has nothing to do with the other directors and he has been cheated by the directors and he is also a victim of circumstances.

5. The learned Government Advocate (CrI. Side) would submit that the petitioners joined together with the other accused floated companies and in the guise of arranging loan for the public, received amount from various people running to crores of rupees and cheated the innocent people. He would further submit that the main accused in this case have been detained under Act 14 and that some of the accused have also been granted bail and that the investigation is pending and vehemently opposed for granting bail to the petitioners.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) and perused the records.

7. Taking into consideration the facts and circumstances of the case and the fact that similarly placed co-accused have been granted

bail by the Sessions Court as well as by this Court and considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioner 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 petitioners have been confined and thereafter on their release;

(b) the petitioners shall within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, and 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, 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 petitioners shall report before the Respondent Police Station every day 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 absconds, a fresh FIR can be registered under Section 229A IPC.

8.With the above directions, these Criminal Original Petitions are ordered.

-sd/-
21/08/2020

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 CCB AND CBCID METROPOLITAN
MAGISTRATE, CHENNAI

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH-I,
BANK FRAUD WING, TEAM-XII,
CHENNAI-600008

CC to M/S S.L.SUDARSANAM Advocate on payment of necessary charges

सत्यमेव जयते

CRL OP.12258,12480, 12481, 12482 of 2020

WEB COPY

Date :21/08/2020

RD 04/09/2020