

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.08.2020

CORAM :

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

Crl.O.P.No.12587 of 2020

Suresh Babu @ Suresh

.... Petitioner

-Vs-

The State through
The Inspector of Police,
CCB Police Station,
Coimbatore.
(Crime No.8 of 2020).

.... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioner on bail in Crime No.8 of 2020 on the file of the respondent police.

For Petitioner : Mr.D.Gopal

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

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested on 15.06.2020, for the offences punishable under Sections 409, 466, 468, 471, 420 and 120(B) of IPC in Crime No.8 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de facto* complainant Nallathambi, who is the Public Relationship Officer at the Collector Office, Coimbatore is that they received petitions from several victims that the accused, who were working in the Public Relationship Office at the Collectorate have collected the amounts totalling to Rs.48.00 lakhs from them on the false promise of securing Government Jobs and that the accused have also issued fake appointments as if the victims were appointed at Collectorate, Corporation of Coimbatore and in Courts and thereby cheated them.

3. The learned counsel for the petitioner would submit that the first accused in this case is the Superintendent in the PRO's office and the petitioner was working as a driver in the Public Relationship Office. He would submit that other than that he was going along with A1, he has nothing to do with the alleged

offence. He would further submit that departmental enquiry was conducted earlier and the petitioner was suspended from service during last year. He would submit that the petitioner was regularly appearing before the departmental enquiry and he did not abscond, whereas the petitioner was arrested on 15.06.2020 and he is in custody for more than 60 days. He would further submit that the major part of the investigation is over.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner along with other accused collected money from the gullible victims on the false promise of obtaining jobs in the Government sector and they have also issued fabricated appointment orders and cheated them. He would submit that investigation in this case is pending. Hence, he would object the 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) each, before the Superintendent of the concerned prison, in which the petitioner has been confined on his release;

(b) Thereafter, the Petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate-VII, Coimbatore, within 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 every day at 10.30.am 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/-
19/08/2020

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 JUDICIAL MAGISTRATE NO.VII,
COIMBATORE.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CCB POLICE STATION,
COIMBATORE CITY.

CC to M/S. D.GOPAL Advocate on payment of necessary charges

CRL OP.12587/2020

Date :19/08/2020