

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.08.2020

CORAM :

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

Crl.O.P.No.12325 of 2020

Vijayan

... Petitioner

Vs.

State Rep. by Inspector of Police

B-3, Kanchi Taluk Police Station

Kanchipuram

(Crime No.1896 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.1896 of 2020 on the file of the respondent police.

For Petitioner : Mr.G.M.Sankar

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (Crl. Side)

O R D E R

(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 294(b), 420, 506(ii) IPC, in Crime No.1896 of 2020, seeks bail.

2.The case of the prosecution as per the defacto complainant is that he and his wife are working in a private company and that during the month of July 2019, the petitioner had induced him to pay a sum of Rs.5,20,000/- to secure him a Government job and after getting the money he has absconded. On 10.07.2020 when the defacto complainant saw the accused in the road, he asked for the money given, due to which, there was a criminal intimidation.

3.The learned counsel appearing for the petitioner would submit that it is a financial dispute, which has been falsely projected as a case of job racketing. He would further submit that the petitioner was arrested on 11.07.2020 and he is in custody for more than a month. He would further submit that there is no previous cases or subsequent cases against the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner under the pretext of securing a job in the Government, had cheated the defacto complainant and obtained a

sum of Rs.5,20,000/-. When the defacto complainant asked him to return the money, he had threatened and intimidated him.

5.Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsels, and also considering the period of incarceration suffered 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) Thereafter, the petitioner shall execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, out of which, one surety should be a blood surety,** before the learned Judicial Magistrate No.II, Kanchipuram, **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 petitioner on his release from prison, shall report before the respondent police everyday 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 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.

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

-sd/-
18/08/2020

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.II,
KANCHIPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE JAILER,
SUB-JAIL, CHENGLEPET.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE, सत्यमेव जयते
B3-KANCHI TALUK POLICE STATION,
KANCHIPURAM

CC to M/S. G.M.SANKAR Advocate on payment of necessary charges

CRL OP.12325/2020

Date :18/08/2020

MK:02/09/2020