

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.08.2020

CORAM :

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

Crl.O.P.No.12659 of 2020

Murugadoss @ Doss

... Petitioner

-Vs -

The State Represented by
The Inspector of Police
District Crime Branch,
Cuddalore District.
(Crime No.103 of 2018)

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioner on bail in Crime No.103 of 2018 pending investigation on the file of the respondent.

For Petitioner : Mr.G.Balamanikandan

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 22.06.2020 for the offences punishable under Sections 465, 468, 471 & 420 of IPC, in Crime No.103 of 2018 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the de facto complainant Elandeepan is that Sofiya (A1) and Arokiyaselvi (A2), on the false promise of securing jobs in Food Corporation of India, received a sum of Rs.1.5 lakhs each from 62 persons and later cheated them. During the course of investigation, it came to light that the petitioner is also one of the persons, who has cheated the victims along with other accused.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that the name of the petitioner does not find place in the F.I.R. and even as per the statement of the defacto complainant, he has stated that Sofiya (A1) and Arokiyaselvi (A2) had received the amount from the victims. He would further submit that the petitioner was arrested on 22.06.2020 and he is inside the prison

for more than 60 days. He would further submit that the respondent police have not filed the final report and the petitioner is entitled to statutory bail under Section 167(2) Cr.P.C. On instruction, he would further submit that without prejudice to his defence, is prepared to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) and also desposit the original title deeds of the immovable property to the tune of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Crime No.103 of 2018, and that the petitioner has been suffering incarceration from 22.06.2020. Hence, he prays to grant bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the offence has been committed from 19.10.2013 to 09.12.2017. He would submit that the petitioner along with main accused Sofiya(A1) and Arokiyaselvi (A2) induced the gullible public on false promise of obtaining jobs in FCI had cheated them to the tune of Rs.62 lakhs. He would submit that the said Sofiya and Arokiyaselvi were arrested and enlarged on conditional bail but they have not complied with the conditions imposed by this Court. He would further submit that as far as this petitioner is concerned, he has got one previous case registered in Crime No.7 of 2008 in respect of similar offence, wherein, the petitioner in a similar manner cheated the public amount to the tune of Rs.12,77,00,000/- and he would submit that the petitioner is a habitual offender. Investigation is pending.

5.Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsels and also the period of incarceration suffered by the petitioner and that final report has not been filed till date despite the lapse of 60 days of remand, 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 deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) and also original title deeds of immovable property worth Rs.5,00,000/- (Rupees Five Lakhs only) either standing in the name of the petitioner or his relatives/friends to the credit of Crime No.103 of 2018 within a period of four 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 Judicial Magistrate-II, Chidambaram, 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 on his release from prison, 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/-

25/08/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

सत्यमेव जयते
Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, CHIDAMBARAM.

2 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

WEB COPY

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

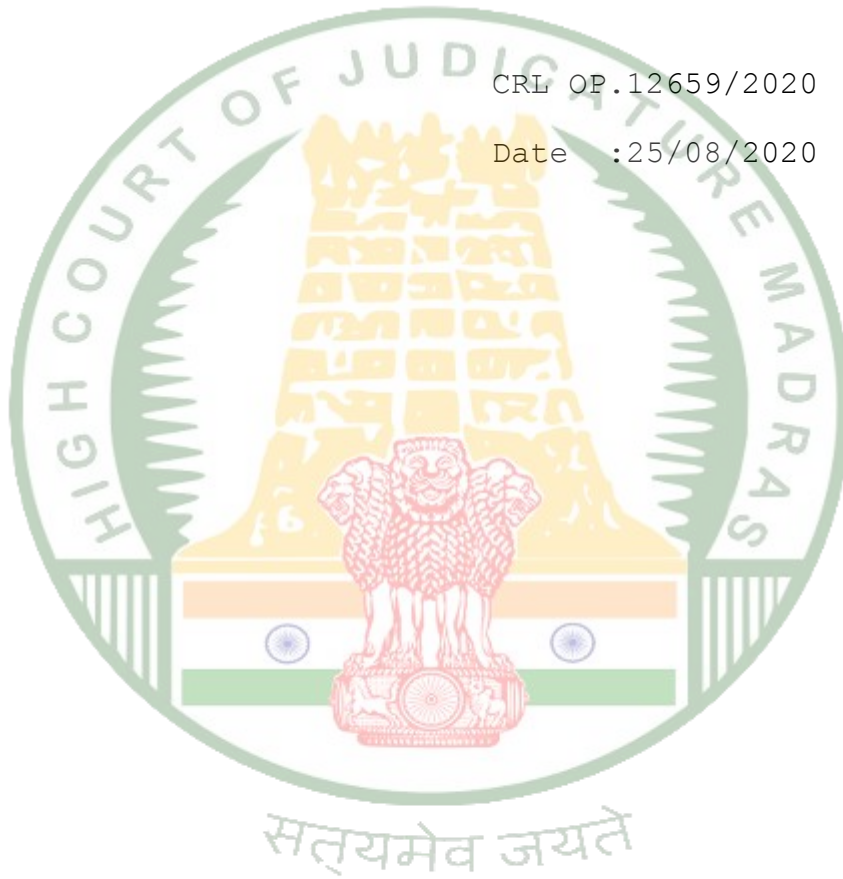
4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
CUDDALORE DISTRICT.

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

CRL OP.12659/2020

Date :25/08/2020

cs 07/09/2020



WEB COPY