

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Crl.O.P.Nos.13980 & 14020 of 2020

Arul Prakash

... Petitioner/ Accused
in Crl.O.P.No.13980/2020

Aswin

... Petitioner/Accused
in Crl.O.P.No.14020/2020

Vs.

The State Represented by,
The Inspector of Police,
Central Crime Branch,
Bank Fraud Investigation Wing - 31,
Vepery, Chennai.
Crime No. 9 of 2020.

...Respondent /Complainant
in both petitions

Common Prayer: Criminal Original Petitions filed under Section 439 Cr.P.C., to enlarge the petitioner on bail in Crime No. 9 of 2020 on the file of the respondent police.

For Petitioners : Mr. S.Joel

in Crl.O.P.No.13980/2020

: Mr.V.Purushothaman

in Crl.O.P.No.14020/2020

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (Crl.Side)

COMMON ORDER

(This case has been heard through video conference)

The petitioner in Crl.O.P.No.13980/2020, who was arrested and remanded to the Judicial Custody on 13.08.2020, for the offences punishable under Sections 120(B), 420, 467, 468 of IPC and Sections 66 (C) , 66(D) and 43 of Information Technology Act, in Crime No. 09 of 2020, on the file of the respondent police seeks bail.

2 The petitioner in CrI.O.P.No.14020/2020, who was arrested and remanded to the Judicial Custody on 21.08.2020, for the offences punishable under Sections 120(B) r/w 420, 467, 468, 471 of IPC and Sections 66 (C), 66(D) of IT (Amendment Act 2008) r/w. 43 of Information Technology Act, in Crime No. 09 of 2020, on the file of the respondent police seeks bail.

3 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.

4 The learned counsel for the petitioner in CrI.O.P.No.13980/2020 would submit that the petitioner was only an employee and he was induced to sign in certain papers and he was assured that, he will be inducted as a partner. He would submit that the petitioner who was not having any job has believed the main accused and has signed in certain documents and that he has not committed any offence as alleged by the prosecution. He would submit that the petitioner was arrested on 13.08.2020 and he is in custody till date and that A1 and A2 have been arrested and they have been detained under Act 14. Hence, he prays to grant bail to the petitioner.

5 The learned counsel for the petitioner in CrI.O.P.No.14020/2020, would submit that the petitioner was employed as a HR Manager of M/s.Outsource Global Service, Nehru Nagar, Kottivakkam and other than that he has nothing to do with the alleged offence. He would submit that the petitioner was only an employee, getting monthly salary and that he was arrested on 21.08.2020. Hence, he prays to grant bail to the petitioner.

6 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.

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

8 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) each, before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on their release;

(b) the petitioners 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 from the date of commencement of the Court's normal functioning**, 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/-
09/09/2020

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,
EGMORE, CHENNAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI.

3 THE SUPERINTENDENT,
SUB JAIL, SAIDAPET.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
BANK FRAUD INVESTIGATION WING-31,
VEPERY, CHENNAI.

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

CRL.OP.NOS.13980 & 14020 OF 2020

Date :09/09/2020

MK:14/09/2020