



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.09.2020

CORAM :

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

CRL.O.P.No.15343 of 2020

Manivarma

... Petitioner

Vs.

State:-

... Respondent

The Inspector of Police,
Bank Fraud Investigation Wing,
Central Crime Branch,
Chennai.
(Crime No.09 of 2020)

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 respondent police.

For Petitioner : Mr.N.Naveenkumar

For Respondent : Ms.S.Thankira
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 13.08.2020 for the offences punishable under **Section 120 (b) r/w 420, 467, 468, 471 of IPC and 66(c), 66 (d) of IT (Amendment) Act, 2008 and 43 of IT Act, 2000, in Crime No.09 of 2020**, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused under the guise of running software companies and through telecallers, operated registered and unregistered call centers and obtained money from the gullible public on a false assurance of offering them loans and other beneficial schemes and cheated them, which runs to several crores of rupees.

3.The learned counsel appearing for the petitioner would submit that the petitioner is only the employee 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. He would further submit that the petitioner without understanding the consequences, has signed the documents and the main accused have also shown the employees of the company as directors in the



company. He would further submit that the fact remains that the employees 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 also similarly placed has been enlarged on bail by this Court in CrI.O.P.No.12123 of 2020 vide order dated 13.08.2020. He would further submit that the co-accused in this case have been granted bail by this Court vide order dated 21.08.2020 in CrI.O.P.Nos.12258, 12480, 12481, 12482 of 2020. He would further submit that the entire case has been borne out by documents and the petitioner is prepared to cooperate with the respondent for investigation.

4.The learned Government Advocate (CrI. Side) would submit that the petitioner along with other accused floated companies and under the guise of arranging loan for the public, they have received crores of rupees from the gullible public and cheated the innocent people. She 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 petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) and perused the materials placed on record.

6.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 petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions;

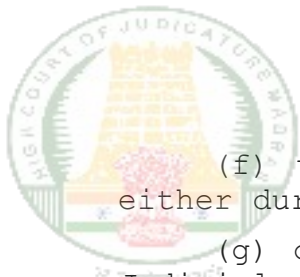
(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the **learned Metropolitan Magistrate for CCB & CBCID, Egmore** , and on further conditions that;

(b) 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;

(c) the petitioner shall report before the respondent police every day at 10.30 a.m. and 5.30 p.m. until further orders.

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during trial;



(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) 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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

29/09/2020

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 METROPOLITAN MAGISTRATE FOR CCB & CBCID
CASES, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
BANK FRAUD INVESTIGATION WING,
CENTRAL CRIME BRANCH,
CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

+1 CC to M/S. N.NAVEENKUMAR Advocate on payment of necessary charges SR.NO.6513

CRL OP.15343/2020

Date :29/09/2020

TA-30/09/2020