

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 15518 of 2020

T.Rajasekaran

... Petitioner

Vs.

The State represented by
the Inspector of Police,
EDF-II, Team-3,
Central Crime Branch
Chennai
(Crime No.125 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.125 of 2020, on the file of the respondent police.

For Petitioner : Mr.C.Thangaraju

For Respondent : Mrs.S.Thankira
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 08.09.2020 for the offences punishable under Sections 465, 467, 468, 420 and 471 of IPC, in Crime No.125 of 2020 on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant Sunil Kumar Handa is that his daughter Dhanav Handian had cleared her +2 exam. While so, the petitioner/A4 had introduced one Semiahvisvalingam stating that his daughter one Akshyaa Aswanthy is a student of Journalism at Harvard University and also a Senior Peer Leadership Advisor in that University and that they will be able to get admission for the defacto complainant's daughters in the Harvard University. By inducing the defacto complainant, the accused have received a sum of Rs.58,40,800/- from him and thereafter, furnished fake admission cards and Visa letter and thereby cheated the defacto complainant. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that the petitioner is arrayed as A4 in this case and the allegation against him is that he had introduced the defacto complainant to the main accused. He would submit that in fact the petitioner himself is a victim. The

petitioner was informed by the said Semiahvisvalingam that his daughter Akshyaa Aswanthy was a student of Harvard University and believing the representation made by the other accused, he introduced the said Semiahvisvalingam to the defacto complainant. Excepting the fact that he introduced the defacto complainant to the other accused, he did not do anything and the petitioner has been suffering incarceration from 08.09.2020. Hence, he prays for grant of bail to the petitioner.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner joined together with the other accused and induced the defacto complainant that they would be able to get a seat for his daughter in Harvard University and produced fabricated documents, call letters and cheated the defacto complainant to the tune of Rs.58,40,800/- She would further submit that the defacto complainant had transferred a sum of Rs.5,60,000/- through RTGS to the account of the petitioner and the balance amount has been transferred to the accounts of the other accused. She would submit that only a car worth Rs.11 lakhs has been recovered so far and it has been stated by the other accused that the entire amount has been spent. Hence, she vehemently opposed for grant of bail.

5 At this juncture, the learned Counsel for the petitioner would submit that it is true that a sum of Rs.5,60,000/- was transferred to the account of the petitioner which was later handed over to the other accused. He would further submit that without prejudice to his contention and defence, the petitioner is prepared to deposit a sum of Rs.5,60,000/- (Rupees Five Lakhs Sixty Thousand Only) to the credit of crime number which is stated to have been transferred to the account of the petitioner.

6 Taking into consideration the facts and submissions made by the learned counsels and that the petitioner has come forward to deposit a sum of Rs.5,60,000/- to the credit of crime number and also considering the period of incarceration of the petitioner from 08.09.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is directed to deposit a sum of Rs.5,60,000/- (Rupees Five Lakhs Sixty Thousand Only) to the credit of Crime No.125 of 2020 and on such deposit the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only), with two sureties each for a like sum to the satisfaction of the learned Metropolitan Magistrate, CCB & CBCID, Egmore, Chennai, 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 every day at 10.30 a.m., until further orders.

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

(e) the petitioner shall not abscond either during investigation or 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 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];

(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/-

01/10/2020

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,
CCB & CBCID, EGMORE, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
EDF-II, TEAM-3, CENTRAL CRIME BRANCH,
CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

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

CRL OP.15518/2020

Date :01/10/2020

RVR 05/10/2020

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