

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.09.2020

CORAM :

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

CRL.O.P.No.15440 of 2020

1.Saravanan
2.Vengatesan

... Petitioners

Vs.

State Rep. by
The Station House Office
DCB, Cuddalore District
(Crime No.13 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.13 of 2020 on the file of the respondent police.

For Petitioners : Mr.T.Sai Krishnan

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

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 01.09.2020 for the offences punishable under Section 406 and 420 IPC, in Crime No.13 of 2020, on the file of the respondent police, seek bail.

2.The case of the prosecution as per the defacto complainant one Bharathiraja is that the petitioners have induced him on the promise of getting job in NEYVELI LIGNITE CORPORATION (NLC), Neyveli, and demanded a sum of Rs.30 Lakhs from him, believing their words, the defacto complainant and his friend have paid a sum of Rs.10 Lakhs towards advance but the job was not secured as assured by them. Thereafter, when the amount was demanded by the defacto complainant, the accused obtained two cheques from one Mahadevan and handed over the same to the defacto complainant and when the cheques were presented for collection, they were returned for the reasons insufficient funds. Thereafter, the accused deposited a sum of Rs.4 Lakhs to the account of the defacto complainant and thereafter they have cheated him to the tune of Rs.6 Lakhs.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that it is a case of financial transactions which has been falsely projected as a case of job racketing. He would further submit that admittedly one Mahadevan

had received the amount from the defacto complainant and the petitioners stood only as sureties to the said Mahadevan. He would further submit that when the two cheques issued by the Mahadevan have returned, a false complaint has been given against them as if the petitioners have induced the defacto complainant and cheated him. Admittedly a sum of Rs.4 Lakhs has been returned to the defacto complainant and only an amount of Rs.6 Lakhs remains to be paid.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioners have induced the defacto complainant on the false assurance to obtain a job in NLC and have taken an advance of Rs.10 Lakhs, when the job was not secured as promised, they have given two cheques of one Mahadevan and when the same was presented for collection, they were returned for insufficient funds, thereafter, the petitioners have repaid a sum of Rs.4 Lakhs and cheated the defacto complainant to the tune of Rs.6 Lakhs. She would further submit that during the course of investigation, the respondent police have also received yet another complaint from one Prabhakaran stating that the petitioners have received a sum of Rs.5 Lakhs for obtaining a job in TUTICORIN HARBOUR and cheated him.

5.At this juncture, the learned counsel appearing for the petitioners stated that the petitioners without prejudice to the contentions, are prepared to deposit Rs.1 Lakh each to the crime number and the petitioners are also prepared to furnish adequate sureties for their release on bail.

6.Heard the learned counsel on either side. Perused F.I.R. and other documents placed on record.

7.Taking into consideration of the facts and circumstances of the case and the submissions of the learned Counsels. and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:-

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Tittagudi, 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)Each of the petitioners shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) each to the credit of Crime No.13 of 2020.

(d)the petitioners shall report before the respondent police everyday 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, this Criminal Original Petition is ordered.

-sd/-

30/09/2020

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 JUDICIAL MAGISTRATE, TITTAGUDI

2 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

3 THE STATION HOUSE OFFICE,
DCB, CUDDALORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE

CC to M/S.T.SAIKRISHNAN Advocate on payment of necessary charges sr.6542

CRL OP.15440/2020

Date : 30/09/2020

RVR 01/10/2020