

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.11.2020

CORAM :

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

CRL.O.P.No.17387 of 2020

K.Rajendiran

... Petitioner

Vs.

State represented by
Sub Inspector of Police,
Walajapet Police Station,
Vellore District.
(Crime No.790 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with the case in Crime No.790 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Dinesh Kumar

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 10.09.2020 for the offences punishable under Section 465, 468, 471, 420(ii) of IPC in Crime No.790 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant viz. Murugan is that the accused on the false promise of issuing patta to gullible victims had collected an amount to the tune of Rs.27,75,000/- from several persons and issued fabricated patta in Survey No.141 / 2B in Thenkadapanthangal Village and later it was found that the Survey No.141 / 2B in Thenkadapanthangal Village, pertains to private properties and the patta issued to them were also forged.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is arraigned as A3 in this case and even as per the allegations contained in the F.I.R., the petitioner is stated to have only introduced the 1st accused / Rajasekar, who is the

Special Revenue Inspector, who had assured to issue patta to several persons. The petitioner herein who is innocent, believing the words of the 1st accused, who happened to be a Government Servant, introduced other persons to him. He would submit that the further allegation in the F.I.R. is that the entire amounts have been handed over only to the 1st accused. He would further submit that the petitioner was also in the hope of getting patta, introduced other victims to the 1st accused. He would further submit that the 1st accused has been arrested and detained under Act 14. He would further submit that the petitioner is in custody from 11.09.2020.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner along with the 1st accused, who is the Special Revenue Inspector, Melpudupettai, on the false promise of issuing free housing patta to several persons, had received more than Rs.2 Crores from the 800 beneficiaries and cheated them. He would further submit that the 1st accused has been detained under Act 14. He would further submit that there is no other cases pending as against this petitioner.

5.Heard the learned Counsel on either side. Perused F.I.R. and also the other materials placed on record.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration of the period of incarceration suffered 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 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 Judicial magistrate No-II, Walajapet 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 on his release from prison shall report before the respondent police everyday 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/-
05/11/2020

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 NO.II,
WALAJAPET.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUB INSPECTOR OF POLICE,
WALAJAPET POLICE STATION,
VELLORE DIST.

CC to R.DINESHKUMAR Advocate on payment of necessary charges

CRL OP.17387/2020

Date :05/11/2020

MK:06/11/2020