

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.12.2020

CORAM :

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

CRL.O.P.Nos.18227 and 19121 of 2020

KARTHICK ... Petitioner in Crl.O.P.No.18227 of 2020

JEYANEETHEN ... Petitioner in Crl.O.P.No.19121 of 2020

Vs.

State represented by
The Assistant Commissioner of Police
Central Crime Branch,
Chennai.

(Crime No.304 of 2019) .. Respondent in Crl.O.P.No.18227 of 2020

State represented by
The Inspector of Police
CCB Vepery, Chennai
(Crime No.304 of 2019)

.. Respondent in Crl.O.P.No.18227 of 2020

Common Prayer: Criminal Original Petition is filed under Section 439 of Cr.P.C, to enlarge the petitioners on bail in Crime No.304 of 2019 on the file of the respondent police.

For Petitioner
in Crl.O.P.No.18227 of 2020 : Mr.T.K.S.Gandhi

For petitioner
in Crl.O.P.No.19121 of 2020 : Mr.V.Devendhiran

For Respondents
in both Crl.O.Ps. : Mr.T.Shunmugarajeswaran
Government Advocate (Crl.Side)

O R D E R

(The cases have been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 16.10.2020 for the offence punishable under Sections 120B read with 420 IPC and Section 66C and 66D of the Information Technology Act, 2000 in Crime No.304 of 2019 seek bail.

2. The case of the prosecution as per the defacto complainant Das Shanty Devdas is that he is a NRI and that on June 2019, he received a message that there has been a direct remittance of a sum of AED 170,208/- equivalent to Rs.32 lakhs of Indian money from his bank account in Emirates NBD Bank, Dubai. During the course of investigation, it came to light that the amounts have been

transferred to the account of one Rajkumar, Axis Bank, Ramapuram Branch. During further investigation it came to light that the said Rajkumar and Shivaraj along with other associates colluded and transferred the amounts from the account of the defacto complainant.

3.The learned counsel appearing for the petitioner in Crl.O.P.No.18227 of 2020 would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that the petitioner is the relative of the main accused and on the instruction of the main accused, the petitioner received amounts in his bank account which was later transferred to the account of the main account. Other than that the petitioner has not received any amount for his personal gain and that he had acted only on the advise of the main accused. He would further submit that A1 was arrested and later enlarged on bail and the petitioner has been suffering incarceration from 16.10.2020. Hence, he prays for grant of bail.

4.The learned counsel appearing for the petitioner in Crl.O.P.No.19121 of 2020 would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that the petitioner is none other than the friend of the main accused who was running an Audit Office. He would submit that as per the instruction of the main accused, a sum of Rs.3 lakhs was transferred to the account of the petitioner and the petitioner withdrew the amount and handed over it to A1. In fact, during the course of transaction, 15 sovereigns of jewels were taken from the petitioner as surety to that amount. He would further submit that the petitioner was arrested on 16.10.2020 and the investigation has been completed and that the entire case is borne out by documents. Hence, he prays for grant of bail.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police would vehemently oppose stating that the petitioners are the associates of one Rajkumar and Shivaraj who were running an Audit firm. The petitioners along with the said Rajkumar and Shivaraj entered into a conspiracy for getting details of the accounts of the defacto complainant and transferred more than One Crore from the account of the defacto complainant. He would further submit that a sum of Rs.5,10,000/- has been recovered from A1 Rajkumar and the investigation is pending.

6. Taking into consideration, the facts and circumstances of the case and the submissions of the learned Counsels and considering the period of incarceration suffered 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 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 of the Special Court for CCB and CBCID Cases, 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 petitioners shall report before the respondent police everyday at 10.30 a.m. until further orders.

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

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners 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, these Criminal Original Petitions are ordered.

-sd/-
09/12/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

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सतयमेव जयते
Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE
OF THE SPECIAL COURT FOR CCB AND CBCID CASES,
CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE ASSISTANT COMMISSIONER OF POLICE,
<https://hcservices.ecourts.gov.in/hcservices/>
CENTRAL CRIME BRANCH, CHENNAI

WEB COPY

5 THE OFFICER INCHARGE,
SUB JAIL, CHENGALPATTU

6 THE INSPECTOR OF POLICE
CCB VEPERY, CHENNAI

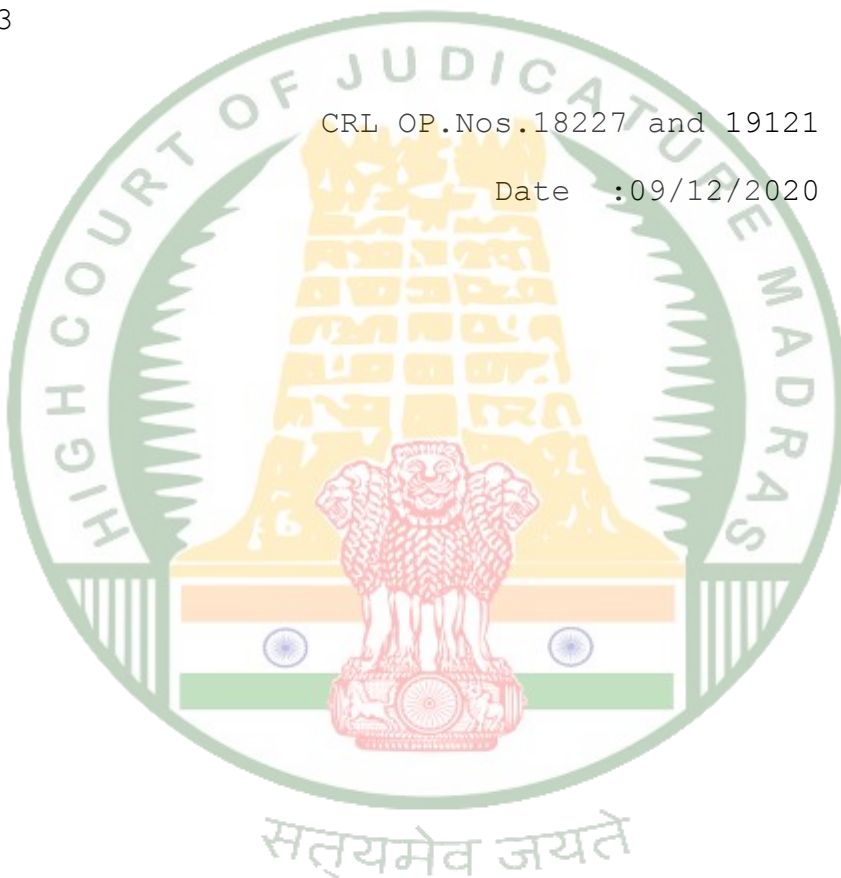
CC to M/S. T.K.S.GANDHI Advocate on payment of necessary
charges Sr.8029

CC to M/S.V.DEVENDHIRAN Advocate on payment of necessary
charges Sr.8053

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Date :09/12/2020

RVR 10/12/2020



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