



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.12.2020

CORAM :

WEB COPY

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

CRL.O.P.Nos.17832 and 18333 of 2020

A.Valarmathi ... Petitioner in Crl.O.P.No.17832 of 2020

1. A.Valarmathi

2. A.Antony

... Petitioners in Crl.O.P.No.18333 of 2020

-Vs-

State rep. by

The Inspector of Police,

Central Crime Branch, Team 11,

Office of the Commissioner of Police

Vepery, Chennai - 7

(Crime No.58 of 2019)

..Respondent in Crl.O.P.No.17832 of 2020

State Rep by

The Inspector of Police

Central Crime Branch

Office of the Commissioner of Police

Vepery, Chennai-7

(Crime No.9 of 2020)

..Respondent in Crl.O.P.No.18333 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.58 of 2019 and Crime No.9 of 2020 on the file of the respondent police.

For Petitioners

in both Crl.O.Ps : Mr.P.Palaninathan

For Respondents

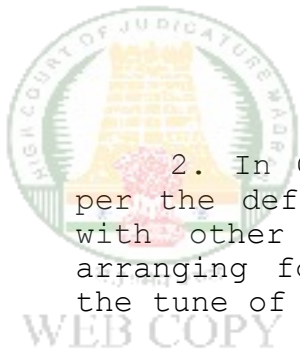
in both Crl.O.Ps. : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The cases have been heard through video conference)

In Crl.O.P.No.17832 of 2020, the petitioner was arrested and remanded to judicial custody on 08.10.2020 for the offence punishable under Sections 120(b) read with 419, 420, 467, 468, 471 IPC and Section 66A of IT Act 2008, in Crime No.58 of 2019, seeks bail.

In Crl.O.P.No.18333 of 2020, the petitioners were arrested and remanded to judicial custody on 29.09.2020 for the offence punishable under Sections 120(b), 420, 467, 468, 471 IPC and Section 66C, 66D of IT Act 2008 and Section 43 of I.T. Act 2000, in Crime No.9 of 2020, seeks bail.



2. In Crl.O.P.No.17832 of 2020: The case of the prosecution as per the defacto complainant Padmanaban is that the petitioner along with other accused in the guise of running a call centre and arranging for loans, cheated the defacto complainant and others to the tune of several Crores.

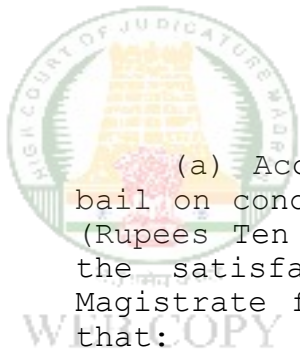
3. In Crl.O.P.No.18333 of 2020: The case of the prosecution as per the defacto complainant Selvaraj is that the petitioners along with other accused in the guise of running a call centre and arranging for loans, cheated the defacto complainant and others to the tune of several Crores.

4. The learned counsel appearing for the petitioner in Crl.O.P.No.17832 of 2020 would submit that the petitioner is an innocent and she has been falsely implicated in this case. He would submit that the petitioner was inducted as an employee of the company by the Directors of the company to train the employees in the call centre and that the petitioner believing it to be a genuine company, had joined in the company and trained the call center employees. Other than that the petitioner has no role in the company. Hence, he prays for grant of bail.

5. The learned counsel appearing for the petitioners in Crl.O.P.No.18333 of 2020 would submit that the petitioners are innocent and they have been falsely implicated in this case. He would submit that the first petitioner is a Trainee and the second petitioner is the husband of the first petitioner. Infact, the second petitioner was working as a Manager at PNB METLIFE INSURANCE COMPANY and during Covid period, the petitioner lost his job. Thereafter, since, the first petitioner was employed in the call center, the petitioner was also given work in the call center and both the petitioners were working as employees. Even during the course of investigation, no allegation is made against the petitioners as if, they received any other amount other than their salary. He would further submit that similarly placed accused have been granted bail by this Court. Hence, he prays for grant of bail.

6. The learned Government Advocate (Crl. Side) appearing for the respondent police would vehemently oppose stating that the petitioner Valarmathi is the main accused in these cases and she had trained the other accused to cunningly swindle amounts from the accounts of the innocent persons who had applied for loan. He would submit that the investigation is pending and he would concede that some of the co-accused have been granted bail by this Court.

7. Taking into consideration, the facts and circumstances of the case and the submissions of the learned Counsels and the fact that some of the co-accused in this case have been granted bail by this Court, 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.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned Additional Chief Metropolitan Magistrate for CCB Cases, 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 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 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.

-sd/-

08/12/2020

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 ADDITIONAL CHIEF
METROPOLITAN MAGISTRATE FOR CCB CASES,
EGMORE, CHENNAI

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



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, TEAM 11,
OFFICE OF THE COMMISSIONER OF POLICE,
VEPERY, CHENNAI - 7.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

6 THE SUPERINTENDENT,
WOMEN CENTRAL PRISON, PUZHAL,
CHENNAI

7 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S. P.PALANINATHAN Advocate on payment of necessary
charges Sr.Nos.7990 & 7989

CRL.O.P.Nos.17832 and 18333 of 2020

Date :08/12/2020

RVR 09/12/2020