

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2020

CORAM

THE HONOURABLE MR.JUSTICE. M.NIRMAL KUMAR

Crl.O.P.No.17911 of 2020

Vivekanandhan

... Petitioner

Vs.

State Represented by
The Inspector of Police,
J-9, Thuraipakkam Police Station,
Thuraipakkam.
Chennai-600 097.
(Crime No.729 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C, to enlarge the petitioner on bail pending investigation in Crime No.729 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Murugan

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

ORDER

This case has been heard through video conference

The petitioner who was arrested and remanded to judicial custody on 18.09.2020 for the offence punishable under Sections 120B, 420 IPC R/w 66D 66C of I.T. Act, in Crime No. 729 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there are totally five accused persons involved in this case and A1 was running a fake call center and collected money from the General Public and cheated them. The petitioner is A2 and there are totally 5 accused in this case, who all joined together in cheating general public. Hence the complaint was registered.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that A1 in this case, has spoken to the defacto complainant. He would further submit that the amount of Rs.20,000/- deposited in the petitioner's account, which was withdrawn and handed over to A1. The petitioner is running a Bunk Shop, near A1 call centre.

Since A1 represented that he had some problem in transacting in his bank account, the petitioner provided his bank account details, apart from this solitary transaction, there is no alter transaction between the petitioner and others. He would further submit that A1 was detained under Act 14, A4 and A5 were granted bail by the Lower Court and A3 is in judicial custody. Further, he would submit that the petitioner was in judicial custody from 18.09.2020 and seeks bail for the petitioner.

4. The learned Government Advocate (Cr1.Side) would submit that there are totally five accused persons involved in this case and A1 was running a fake call center and collected money from the General Public and cheated them. He would further submit that A1 was detained under Act 14, A4 and A5 were granted bail by the Lower Court and A3 is still in judicial custody. . Hence, he vehemently opposed for grant of bail to the petitioner.

5. Taking into consideration the nature of allegations against the petitioner in the FIR and also taking note of the fact that it is only on solitary transaction and further, the petitioner is in judicial custody from 18.09.2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions :

(a) the petitioner is ordered to be released on bail and he shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, with two sureties before learned Judicial Magistrate-II, Alandur, .

(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 police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

(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.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

24/11/2020

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-II,
ALANDUR

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE SUPERINTENDENT, CENTRAL PRISON, PUZHAI

4 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
J-9, THURAIPAKKAM POLICE STATION,
THURAIPAKKAM, CHENNAI-600 097.

+1 CC to M/S.M.MURUGAN Advocate on payment of necessary charges SR.NO.7800

CRL OP.17911/2020

Date :24/11/2020

GKS:27/11/2020