

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 18290 of 2020

Sathu Sathiyaraj

... Petitioner/Accused-1

Vs.

State rep.by

The Sub-Inspector of Police,

District Crime Branch Police Station,

Vellore District

(Crime No.16 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.16 of 2020, on the file of the respondent police.

For Petitioner : Mr.D.Bennington

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 19.10.2020 for the offences punishable under Sections 420, 506(i), 120(B) of IPC, in Crime No.16 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant viz., E.Srinivasan, is that the petitioner had colluded together with the other accused persons and on the false promise of obtaining medical seat in CMC, Vellore, had received an amount of Rs.30,00,000/- from him and thereafter, they have neither secured the seat for MBBS nor repaid the amount. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely

implicated in this case. He would submit that a case of financial dispute has been projected as a case of cheating. He would submit that even as per the complaint, the only allegation made against the petitioner is that the petitioner had introduced the defacto complainant to the other accused persons. He would submit that the petitioner was arrested on 19.10.2020 and that he is a religious person and he is in the verge of retirement from his religious activities. He would further submit that without prejudice to his contentions and defence, the petitioner, to show his *bona fides*, is prepared to deposit a sum of Rs.10,00,000/- to the credit of Crime No.16 of 2020 and that the petitioner is prepared to abide by any stringent condition that may be imposed by this Court on him. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose by stating that the petitioner is the person, who has introduced the defacto complainant to the other accused and that the petitioner along with other accused on a false assurance of obtaining a medical seat in CMC, Vellore, had received an amount of Rs.57,00,000/- and cheated the defacto complainant. He would submit that the investigation is pending and that the A2 and A3 were arrested and the other accused viz., A4 and A5 are absconding. Further, he would submit that there is no previous case pending against the petitioner.

5. At this juncture, the learned counsel appearing for the petitioner would submit that the petitioner is a senior citizen, aged about 66 years and that as per the complaint only an amount of Rs.30,00,000/- has been transferred through bank transaction and there is no account for balance amount of Rs.27,00,000/-. He reiterated that without prejudice to his contentions and defence, the petitioner, to show his *bona fides*, is prepared to deposit a sum of Rs.10,00,000/- to the credit of Crime No. 16 of 2020.

6. Heard the learned counsels on either side and perused the materials placed on record.

7. Taking into consideration of the facts and circumstances of the case, submissions made by the learned counsels and also considering the period of incarceration by the petitioner from 19.10.2020, 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 make a deposit of Rs.10,00,000/- (Rupees Ten Lakhs only) to the credit of Crime No.16 of 2020, on such deposit, 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 learned Judicial Magistrate No.IV, Vellore 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 shall report before respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, every Monday at 10.30 a.m., until further orders.

(d) The learned Magistrate inturn shall within two weeks from the date of such deposit of Rs.10,00,000/- (Rupees Ten Lakhs Only), re-deposit in a fixed deposit scheme in any nationalized bank in the name of the concerned Judicial Magistrate.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner 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 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];

(i) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
20/11/2020

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.IV,
VELLORE

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,
DISTRICT CRIME BRANCH POLICE STATION,
VELLORE DISTRICT.

+1 CC to M/S.D.BENNINGTON Advocate on payment of necessary charges SR.NO.7720

CRL OP.18290/2020

Date :20/11/2020

GKS:23/11/2020

WEB COPY