

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.18510 of 2020

K.G.RADHAKRISHNAN

... PETITIONER

Vs.

State represented by its
THE INSPECTOR OF POLICE
CENTRAL CRIME BRANCH, TIRUPPUR
TIRUPPUR DISTRICT
Cr.No.17 of 2020

... RESPONDENT

Prayer: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.17 o 2020 on the file of the respondent police.

For Petitioner : Mr.P.Kalimuthu

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Cr1. Side)

ORDER

(These cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 21.10.2020 for the offences punishable under Sections 406, 420, 468 and 109 IPC, in Crime No.17 of 2020, on the file of the respondent police seeks bail.

2. The case of the prosecution as per the defacto complainant Sanjay Kumar is that the petitioner along with one Shanmugam had induced the defacto complainant and others in the guise of obtaining jobs in the Tiruppur Corporation and cheated them to the tune of Rs.18,83,000/-. The further allegation is that the petitioner has projected himself as an Advocate whereas, it is not so.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that even as per the F.I.R. the alleged amounts are stated to have been handed over in the year 2018 and that the complaint has been lodged after lapse of two years. He would submit that a case of financial transaction has been projected as a case of job racketing and that with the help of police, the defacto

complainant is arm twisting the petitioner to recover the money through police action. He would submit that the petitioner was arrested on 21.10.2020 and he has been in judicial custody for 55 days till today. He would further submit that the petitioner hails from a respectable family and in order to show his bonafide, the petitioner is prepared to deposit the original title deeds of the immovable property worth Rs.10 lakhs to the credit of crime number. Hence, he prays for grant of bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner along with one Shanmugam and one Practising Advocate, induced the defacto complainant in the guise of obtaining jobs in Tiruppur Corporation and cheated the defacto complainant and several other persons to the tune of Rs.18,83,000/-. He would further submit that the petitioner is arrayed as A2, A1 has been arrested and A3 is absconding and that the investigation is pending.

5. Heard the learned Counsels on either side. Perused the materials placed on record.

6. Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner that the petitioner is prepared to deposit the original title deeds of an immovable property worth Rs.10 lakhs, to the credit of crime number and also considering 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 directed to deposit the original title deeds of the immovable property worth Rs.10,00,000/- (Rupees Ten Lakhs Only) belongs to the petitioner/relatives/ friends to the credit of Crime No.17 of 2020 and on such deposit, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate-II, Tiruppur, 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/-

14/12/2020

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 JUDICIAL MAGISTRATE,
NO.II, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE JAILER
DISTRICT PRISON, TIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
TIRUPPUR, TIRUPPUR DISTRICT.

+1 CC to M/S P.KALIMUTHU Advocate on payment of necessary charges
SR.No.8181

CRL OP.18510/2020

Date :14/12/2020