

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.12.2020

CORAM :

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

CRL.O.P.No.19042 of 2020

Prabhu

.. Petitioner

Vs.

The State of Tamil Nadu represented by
Station House Officer,
DCB, Cuddalore Police Station,
Cuddalore.
(Crime No.23 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.23 of 2020 on the file of the respondent police.

For Petitioner : Mr.A.Malath Devapriyam

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 05.11.2020 for the offence punishable under Section 420, 465, 468, 471 and 506(i) of IPC, in Crime No.23 of 2020, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant one Mayamani is that he is a lorry driver and that one Lakshmi introduced herself to be his relative and informed him that she would be able to get a job in Collectorate as a driver and had demanded money to the tune of Rs.3,00,000/-. Believing her words, the defacto complainant paid a sum of Rs.50,000/- towards advance. The further allegation is that based on his recommendation, some other persons have also handed over some amounts to him. Thereafter, A2/Prabhu had conducted an interview to make them believe that they are really going to get a job, some more relatives of the defacto complainant also paid huge amounts to the defacto complainant, which was handed over to the 1st accused viz. Lakshmi, thereby, they have cheated the amount from the innocent persons to the tune of Rs.25,34,000/-. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case based on the confession of A1/Lakshmi. He would submit that since the petitioner is working as a temporary employee in the collectorate, on suspicion, he has been falsely implicated in this

case. He would further submit that the petitioner was arrested on 05.11.2020. Hence, he prays to grant bail to the petitioner.

4.The learned Government Advocate (Criminal Side) would vehemently oppose stating that the petitioner is A2 in this case. He would submit that he is the associate of one Lakshmi and he along with the defacto complainant induced several persons to handover huge amounts to them under the guise of getting them jobs in Collectorate Office and cheated the amount to the tune of Rs.25,34,000/-. He would further submit that investigation is still pending.

5.At this juncture, the learned counsel for the petitioner would submit that the petitioner is working as a temporary employee in the Collectorate and he is in custody from 05.11.2020. He would further submit that without prejudice to his contentions and defence, the petitioner is prepared to deposit the original title deeds of immovable properties worth about Rs.10,00,000/- (Rupees Ten Lakhs)

6.Heard the learned Counsel on either side and perused the F.I.R.

7. Taking into consideration of the facts and submissions made by the learned counsels and also the fact that the petitioner is also ready to submit the original title deeds of immovable properties worth about Rs.10 Lakhs to the credit of crime number, 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 immovable properties worth about Rs.10 Lakhs, to the credit of Crime No.23 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.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Cuddalore, 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 appear before the respondent police every day 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 petitioners 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.

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

-sd/-

18/12/2020

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,
CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATION HOUSE OFFICER,
DCB CUDDALORE POLICE STATION,
CUDDALORE.

5 THE OFFICER INCHARGE,
SUB JAIL, CUDDALORE.

CC to M/S.A.MALATH DEVAPRIYAM Advocate on payment of necessary charges Sr.8470

CRL OP.19042/2020

Date :18/12/2020

RVR 21/12/2020