

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.12.2020

CORAM :

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

CRL.O.P.No.19302 of 2020

Sambath

... Petitioner

Vs.

State by it's

Inspector of Police,

Peranamallur Police Station,

Peranamallur,

Thiruvannamalai District.

(Crime No.2110 of 2020)

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Cr.P.C, to enlarge the petitioner on bail in Crime No.2110 of 2020 on the file of the respondent police.

For Petitioner : Mr.K.G.Senthilkumar

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 03.11.2020 for the offence punishable under Sections 417 and 420 of IPC in Crime No.2110 of 2020, seeks bail.

2. The case of the prosecution as per the *de facto* complainant Thiruneelagandan is that the petitioner induced him and others in the guise of obtaining Covid Relief Fund from the Prime Minister Relief Fund and had taken several amounts ranging from Rs.1000/- to Rs.5000/- and cheated the victims to the tune of Rs.70,000/-.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that the petitioner is a senior citizen, aged about 70 years and that there was a financial dispute between the *de facto* complainant and others and they have given a false complaint as if the petitioner received amounts in getting Prime Minister Relief Fund. He would submit that the petitioner was arrested on 03.11.2020 and he is in custody for more than 42 days. He would submit that the major part of the investigation is over and the respondents are attempting to settle a financial dispute by a criminal case. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would vehemently oppose stating that the petitioner, in the guise of receiving Covid Relief from the Prime Minister Relief Fund had taken from several persons and cheated them to the tune of Rs.70,000/-. He would submit that the investigation is pending.

5. Taking into consideration the facts and circumstances of the case and the submissions of the learned Counsels 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 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, Cheyyar, Thiruvannamalai District 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 the respondent Police everyday at 10.30 a.m. for a period of two weeks and thereafter, every Monday at 10.30.am 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.

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

-sd/-
15/12/2020

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,
CHEYYAR, THIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE JAILER,
SUB JAIL, THIRUVANNAMALAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
PERANAMALLUR POLICE STATION,
PERANAMALLUR,
THIRUVANNAMALAI DISTRICT.

+1CC to M/S.K.G.SENTHILKUMAR Advocate on payment of
necessary charges SR NO.8252

CRL OP.19302/2020

Date :15/12/2020