

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.12.2020

CORAM :

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

CRL.O.P.No.19528 of 2020

Asvar Ahamed

... Petitioner

Vs.

State represented by ... Respondent

The Inspector of Police  
Central Crime Branch,  
Chennai.

(Crime No.304 of 2019)

**Common Prayer:** Criminal Original Petition is filed under Section 439 of Cr.P.C, to enlarge the petitioner on bail in Crime No.304 of 2019 on the file of the respondent police.

For Petitioner : Mr.Gopikrishnan

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

**ORDER**

**(The case has been heard through video conference)**

The petitioner, who was arrested and remanded to judicial custody on 16.10.2020 for the offence punishable under Sections 120 (B) r/w 420 of IPC and Section 66-C and 66-D of the Information Technology Act, 2008 in Crime No.304 of 2019, seeks bail.

2. The case of the prosecution as per the *de facto* complainant Das Shanty Devdass is that he is a NRI and that on June 2019, he received a message that there has been a direct remittance of a sum of AED 170,208/- equivalent to Rs.32 lakhs of Indian money from his bank account in Emirates NBD Bank, Dubai. During the course of investigation, it came to light that the amounts have been transferred to the account of one Rajkumar, Axis Bank, Ramapuram Branch. During further investigation it came to light that the said Rajkumar and Shivaraj along with other associates colluded and transferred the amounts from the account of the *de facto* complainant.

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 A1 was arrested and later, enlarged on bail and the petitioner has been suffering incarceration from 16.10.2020. 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 is the associates of one Rajkumar and Shivaraj who were running an Audit firm. The petitioner along with the said Rajkumar and Shivaraj entered into a conspiracy for getting details of the accounts of the *de facto* complainant and transferred more than One Crore from the account of the *de facto* complainant. He would further submit that a sum of Rs.5,10,000/- has been recovered from A1-Rajkumar and the investigation is pending.

5. Taking into consideration the facts and circumstances of the case and the submissions of the learned Counsels and 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 Metropolitan Magistrate of the Special Court for CCB and CBCID Metro Cases, Egmore, Chennai, 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. 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/-  
10/12/2020

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 METROPOLITAN MAGISTRATE,  
SPECIAL COURT FOR CCB AND  
CBCID METRO CASES, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,  
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
CENTRAL CRIME BRANCH,  
CHENNAI.

5 THE JAILER,  
SUB JAIL, CHENGALPET.

+1 CC to M/S..GOPIKRISHNAN Advocate on payment of necessary charges SR.NO.8092

CRL OP.19528/2020

Date :10/12/2020

TA-11/12/2020