

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.12.2020

CORAM :

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

CRL.O.P.No.20587 of 2020

1. SALAMAN RICHART
2. YUWARAJ

... Petitioners

Vs.

State By: INSPECTOR OF POLICE,
NEELANGARAI POLICE STATION,
CHENNAI.
(Crime No.1350 of 2020)

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Cr.P.C, to enlarge the petitioners on bail in Crime No.1350 of 2020 on the file of the respondent police.

For Petitioners : Mr.S.Vellidoss

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

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 04.11.2020 for the offence punishable under Sections 406, 420 of IPC, 66D, 66C of IT Act, in Crime No.1350 of 2020, seek bail.

2. The case of the prosecution as per the de facto complainant Amarnath is that he is an Engineering Graduate and during the Pandemic period, he was without job. At that time, one Gopinath introduced himself and told him that he could arrange jobs in Cognizant (CTS) by back door process and thereby, received a sum of Rs.30,000/- from the defacto complainant. Further, they have also handed over an offer letter. Later, it was found to be a fake and thereby, the complaint was given. During the course of investigation it came to light that the said Gopinath has similarly cheated several persons to the tune of Rs.10 lakhs.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case and that their names are not found in the F.I.R. He would submit that the petitioners are Computer Operators and they were appointed by the said Gopinath to do office work and on the instructions of the said Gopinath, the petitioners were doing the office works and that only salaries were credited to their accounts by the said Gopinath. Other than that, they have nothing to do with the alleged crime. He would submit that the main accused in this case has been arrested and that the petitioners have been suffering incarceration from 04.11.2020 for no fault. Hence, he prays for grant of bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would vehemently oppose stating that the petitioners are the associates of one Gopinath. The said Gopinath was running an office and in the guise of getting jobs in the multinational companies, had induced several persons and received amounts varying from Rs.20,000/- to Rs.30,000/- and cheated to the tune of Rs.10 lakhs. Further, he has issued fake offer letters to the victims. He would further submit that the said Gopinath/A1 has been arrested and a Car, Motor Cycle, 9.8 sovereigns of jewels, 5 mobile phones and a lap top have been recovered from him.

5. At this juncture, the learned Counsel for the petitioners would submit the petitioners are only employees under the said Gopinath and they were not aware of the criminal act of the Gopinath and that the petitioners are hail from middle class.

6. 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 petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a separate 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-II, Alandur, 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 petitioners, on their release from the prison, shall report before the respondent police everyday at 10.30 a.m. until further orders;

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners 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 petitioners 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/-

22/12/2020

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 COURT-II,
ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
NEELANGARAI POLICE STATION,
CHENNAI.

+1 CC to M/S S.VELLIDOSS Advocate on payment of necessary charges
SR.No.8577

CRL OP.20587/2020

Date :22/12/2020