



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 27/11/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.13191 of 2020

Richard

... Petitioner/Accused No.1

Vs

State rep.by,
The Inspector of Police,
CBCID- South,
Trichy District.
Crime No.2 of 2020.

... Respondent/Complainant

For Petitioner : M/s.S.Prasanna,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.2 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 07.10.2020 for the offences punishable under Sections 409,420,468,471 of IPC r/w. Section 43,66 C of Information Technology Act 2000 on the file of the respondent police seeks bail.

2.The case of the prosecution is that under the scheme of Pradhan Mantri Kisan Samman an income support of Rs.6000/- per year is provided in three equal installments to all farmer families having combined land holding/ownership with some exclusion categories. At that time of inspection it was found that some ineligible beneficiaries were added during the corona period and received a sum of Rs. 4 Crores and 69 lakhs. There are two accused in this case and the first accused is running a computer centre in the name of blue moon and he uploaded the required documents such as Aadhar Card, Ration Card and Bank passbook and other details from such beneficiaries and received a sum of Rs.300- 500 from each beneficiaries as commission. Hence the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is arrayed as A1. Even according to the case of prosecution the petitioner only uploaded the required documents from the persons who have availed the benefits and received commission. Except this the petitioner did not commit any misappropriation as alleged by the prosecution. He would also submit that the petitioner was remanded on 07.10.2020 and he is still in custody, hence he seeks bail.

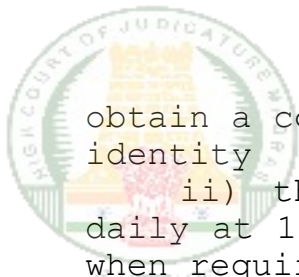
4. The learned Government Advocate(Crl.Side) filed an objection and stated that several ineligible persons became beneficiaries utilizing the Covid-19 situation under the scheme of Pradhan Mantri Kisan Samman and thereby a sum of Rs. 4 Crores and 69 lakhs has been mis-appropriated. He further submitted that the petitioner along with other accused have committed a very serious offence utilizing the corona period and misused the government fund and committed very serious offence and caused loss to the Government to the tune of Rs. 4 Crores and 69 lakhs He further submitted that a sum of Rs. 3 lakhs and 98 lakhs have been retrieved from the agricultural department, Trichy. Hence he opposed to grant bail to the petitioner.

5. It is seen that there are two accused in this case and the petitioner herein is arrayed as A1. Admittedly the petitioner is running a computer centre in the name of blue moon . According to the petitioner as per the direction of the Assistant Director of Agriculture Department, Trichy the petitioner along with other accused persons uploaded the documents which were furnished by the beneficiaries such as Aadhar card, Ration Card and other required documents in the scheme of Pradhan Mantri Kisan Samman and for uploading the same he received a sum of Rs.300-500 as commission. Sofar the beneficiaries received a sum of Rs.4.69 lakhs later they found to be ineligible beneficiaries and as such the respondent also recovered a sum of Rs.3.98 lakhs from the ineligible beneficiaries. Sofar as the petitioner is concerned he only uploaded the documents for commission . It is also seen that other officials were also involved in the crime who are related to the agricultural department.

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.VI, Trichy

i) the sureties shall affix their photographs and left thumb impressions on the surety bond and the Magistrate/concerned court may



obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of four weeks and thereafter as and when required for interrogation.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) On breach of any of the aforesaid conditions, the learned 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

27/11/2020

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE JUDICIAL MAGISTRATE NO.VI, TRICHY
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT
- 3.THE SUPERINTENDENT, CENTRAL PRISON, TRICHY
- 4.THE INSPECTOR OF POLICE, CBCID- SOUTH,
TRICHY DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.13191 of 2020

Date :27/11/2020

AAV

<https://hccs.cemilms.gov.in/Services/11.2020> : 3P/6C