

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.Nos.241 & 271 of 2021

Selvakumar

...Petitioner in both petitions

Versus

The Inspector of Police, ...Respondent in both petitions
Bank Fraud Investigation Wing,
Central Crime Branch, Team XXXI
Vepery, Chennai 600 007.

COMMON PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of arrest in Crime Nos.294 of 2019 and 9 of 2020 on the file of the respondent.

For Petitioner in both petitions : Mr.R.C.Paul Kanagaraj

For Respondents in both petitions : Mr.C.E.Pratap
Government Advocate (Crl. side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 120B r/w 420, 467, 468, 471 IPC and 66C, 66D of IT (Amendment) Act 2008 r/w 43 IT Act in Cr.No.9 of 2020 and for the offence under Section 420 IPC and 66C, 66D of IT (Amendment) Act 2008, in Cr.No.294 of 2019, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused persons started several companies and involved in telephonic frauds, as if they arrange for loans and insurance and thereby they have cheated huge amount of more than 50 lakhs from the innocent persons and hence they lodged complaint against the petitioner and other accused persons.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and being a brother to one Mr.Selvaprahu, one of the accused person, he has been falsely implicated in this case. However, on instructions, he would further submit that the petitioner, without prejudice to his rights, is ready to deposit the amount that is to be imposed by this Court .

4. The learned Government Advocate (CrI.Side) would submit that the petitioner has cheated many innocent persons and the amount misappropriated is also huge in nature and further that the investigation is pending and therefore, opposed this petition.

5. Considering the facts and circumstances of the case and based on the undertaking given by the petitioner to deposit the amount, on his own volition, this Court is inclined to grant anticipatory bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **learned Special Metropolitan Magistrate Judge for CCB and CBCID, Egmore**, on condition that the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioner shall make a non refundable deposit of **Rs.10,00,000/- (Rupees Ten Lakhs only) to the credit of Cr.Nos.294 of 2019 and 09 of 2020 on the file of the respondent Police**, without prejudice to his defence before the trial Court and **the amount shall be disbursed to the defacto complainants proportionately** and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

(c) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;

(g) 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]**; and;

(h)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
16/06/2021

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 SPECIAL METROPOLITAN MAGISTRATE
JUDGE FOR CCB AND CBCID, EGMORE.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
BANK FRAUD INVESTIGATION WING,
CENTRAL CRIME BRANCH, TEAM
XXXI, VEPERY, CHENNAI-07.

CC to M/S.R.C.PAUL KANAGARAJ Advocate on payment of necessary charges

CRL OP.241 & 271/2021

Date :16/06/2021

TA-14/07/2021

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