

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.400 of 2021

T. William Raj

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
CBCID Metro,
Chennai.
(Crime No.2 of 2018)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.2 of 2018 pending investigation on the file of the Respondent.

For Petitioner : Mr.S. Vinothkumar

For Respondent : Mr.M. Prabavathi,
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 13.07.2018 for the offence punishable under Section 302, 201, 120 (B) IPC in Crime No.2 of 2018, seeks bail.

2. Totally there are 6 accused and the petitioner is A6. The case of the prosecution is that A1 is the paramour of A2. A2 and A5 are closely related to the deceased. Due to property dispute, all the accused persons conspired together and A1, A2 and A5 said to have given poison to the deceased. This petitioner, who is the friend of A1, is alleged to have forged the signature of the deceased in the cheque and thereby, encashed a sum of Rs.18 lakhs and handed over the same to A1 and A2. Hence, a case has been registered against the petitioner.

3. The learned counsel for the petitioner would submit that even though it is a case of murder, the only allegation as against

the petitioner is that he has presented the cheque in the Bank for encashment and handed over the same to A1 and A2, for which, he got a sum of Rs.2 lakhs as commission and except that, there is no other allegation as against this petitioner. He would further submit that co-accused in this case were released on bail. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner has forged the signature of the deceased and withdraw a huge sum of Rs.18 lakhs and handed over the same to A1 and A2. She further submit that investigation is over and final report has also been filed. Hence, she opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances of the case and the nature of the allegation attributed against the petitioner and also the fact that co-accused in this case were already released on bail and final report has also been filed 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 Special Court, CBCID, Egmore 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 trial Court once in a week, i.e., on every Monday 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/-
22/01/2021

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 COURT, CBCID,
EGMORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
SUB-JAIL SAIDAPET.

4 THE INSPECTOR OF POLICE,
CBCID METRO,
CHENNAI.

+1 CC to M/S.S.VINOTHKUMAR Advocate on payment of necessary charges SR.NO.722

सत्यमेव जयते

CRL OP.400/2021

Date :22/01/2021

TA-25/01/2021

WEB COPY