

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.1019 of 2021

1.Rogitkaran

2.Aravinthasamy @ Aravinth

... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
Thirunavallur Police Station,
Villupuram District.
(Crime No.2172 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.2172 of 2020 pending investigation on the file of the Respondent.

For Petitioners : Mr.V.Sambamurthy

For Respondent : Mrs.M. Prabhavathi,
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 09.12.2020 for the offences punishable under Sections 420 of IPC altered to Sections 420, 465, 468 and 471 of IPC, in Crime No.2172 of 2020, seek bail.

2. There are totally six accused in this case and the petitioners are A2 and A3. The allegation is that the petitioners along with other accused had approached the de-facto complainant and informed him that they want to put up a cell phone tower in his place, for which they have to get some approval from the authority and received an amount of Rs.4,18,000/- from the de-facto complainant. Thereafter, neither they constructed a tower nor repaid the amount. Hence the complaint. The petitioners were arrested on 09.12.2020.

3. The learned counsel for the petitioners would submit that the petitioners introduced the other accused to open an account in the bank and other accused had received the money and that the petitioners have been falsely implicated in this case. He would further submit that the petitioners have been in judicial custody since 09.12.2020. Hence, he prays for grant of bail.

4.The learned Additional Public Prosecutor would submit that the petitioners along with other accused received money and failed to construct the mobile tower. Hence, she opposed to grant bail to the petitioners.

5. Considering the facts and circumstances of the case and also taken into account the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners in subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on their executing 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 No.II, Ulundurpet, Villupuram District., 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 shall jointly deposit a sum of Rs.50,000/- (Rupees fifty thousand only) to the credit of Crime No.2172 of 2020 before the concerned Magistrate's Court.

(d) the petitioners, on their release from prison, shall report before the respondent police daily at 10.30 a.m until further orders.

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

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

(g) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(h) 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];

(i) 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/-
25/01/2021

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 JUDICIAL MAGISTRATE NO.II,
ULUNDURPET, VILLUPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

5 THE INSPECTOR OF POLICE,
THIRUNAVALLUR POLICE STATION, सत्यमेव जयते
VILLUPURAM DISTRICT.

+1CC to M/S.V.SAMBAMURTHY Advocate on payment of necessary charges SR NO.803

CRL OP.1019/2021

Date :25/01/2021

MK:27/01/2021