

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.1530 of 2021

Balachandar

... Petitioner

Vs.

State rep by its

The Inspector of Police,
District Crime Branch (DCB)
Cuddalore District.
Cr.No.27 of 2020

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.27 of 2020 on the file of the respondent police.

For Petitioner : Mr. C. Ramkumar

For Respondent : Mrs.M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 01.01.2021 for the offence punishable under Sections 406, 468, 471 and 420 of IPC in Crime No.27 of 2020, seeks bail.

2. The petitioner is the sole accused. The case of the prosecution is that he collected more than Rs.1 Crore from various victims in the guise of getting Government job and thereafter, failed to get the job and also refused to repay the amount. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner was arrested and remanded to judicial custody on 01.01.2021. The petitioner is in custody for more than 60 days and final report has not been filed till date. In the said circumstances, the petitioner is entitled for statutory bail under Section 167(2) Cr.P.C. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor would submit that it is a case of job racketing. The petitioner has cheated more than Rupees One Crore from various persons. Still investigation is pending and final report has not been filed. Hence, she oppose to grant bail to the petitioner.

5. The case has been registered under Section 420 of IPC. The petitioner is in judicial custody for more than 60 days. Despite the lapse of statutory period, the respondent has not filed the final report and thereby, the petitioner is entitled for statutory bail u/s. 167 Cr.P.C.

6. Taking into consideration of the facts and circumstance of the case and the submissions made by the learned counsel and the fact that the respondent has not filed the final report in this case despite the lapse of statutory period, this Court is left with no other option except to grant bail. Hence, 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 Judicial Magistrate-I, Virudhachalam, Cuddalore 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 petitioner shall report before the respondent police daily 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 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.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

02/03/2021

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.I, VIRUDHACHALAM, CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
CUDDALORE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE

CC to M/S.C.RAMKUMAR Advocate on payment of necessary charges
Sr.2605

CRL OP.1530/2021

Date : 02/03/2021

RVR 03/03/2021

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