

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.3089 of 2021

Gnanasekaran

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Conventional Crime,
Team XIX, Central Crime Branch,
Chennai.
Crime No.310 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.310 of 2020 on the file of the respondent police.

For Petitioner : Mr. R.Muthukumar

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 31.12.2020, for the offence punishable under Sections 420, 465, 468, 471 of IPC in Crime No.310 of 2020, seeks bail.

2. Totally, there are four accused and the petitioner is A2. The case of the prosecution is that the petitioner and other accused persons received a total sum of Rs.24 lakhs, from 8 victims, on the assurance of getting job Government through TNPSC and issued fake appointment orders thereby, cheated them. Hence, the respondent police registered a case against the petitioners .

3. The learned counsel appearing for the petitioner would submit that A1 is the main accused and he only received the entire amount. This petitioner has only introduced the victims to A1 and the victims have directly given the money to A1, this petitioner has not received any amount from the victims. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that it is a case of job racketing. The accused persons received a sum of Rs.24 lakhs from 8 victims. A1 and A3 were detained under Act.14. This petitioner is a broker and he received the amount from the victims and handed over the same to A1. She would further submit that investigation is almost completed.

5. I have considered the rival submissions and perused the materials available on records carefully.

6. Taking into consideration of the facts and circumstance of the case, and the fact that investigation is almost completed 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 CCB & CBCID Metropolitan Magistrate Court, Egmore, Chennai 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 the petitioner is directed to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.310 of 2020 before the CCB & CBCID Metropolitan Magistrate Court, Egmore, Chennai, within a period of two weeks from the date of receipt of a copy of this order.

[d] the petitioner shall appear 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 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/-
24/02/2021

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 CCB & CBCID METROPOLITAN MAGISTRATE COURT,
EGMORE, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CONVENTIONAL CRIME,
TEAM XIX, CENTRAL CRIME BRANCH,
CHENNAI.

+1CC to M/S.R.MUTHUKUMAR Advocate on payment of necessary charges SR NO.2258

CRL OP.3089/2021

MK:25/02/2021

Date :24/02/2021

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