

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.3098 of 2021

Devan @ Devaraj

... Petitioner

Vs.

State 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 Respondent police.

For Petitioner : Mr.R.Muthukumar

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

O R D E R

(The case has been heard through video conference)

Totally, there are five accused and the petitioner is arrayed as A4. The petitioner, who was arrested and remanded to judicial custody on 08.01.2021 for the offence punishable under Sections 420, 465, 468, 471 of I.P.C. in Crime No.310 of 2020 on the file of respondent police, seeks bail.

2. The case of the prosecution is that it is a case of job racketing. In this case, A1 said to have told with the petitioner that he is an influential person and he can get a job, and he asked the petitioner to get a suitable person, for which, he will be paid suitable award. Believing the same, the petitioner said to have introduced three persons to A1 and collected a sum of Rs.24 lakhs and handed over to him. Thereafter, A1 failed to get a job. Subsequently, A1 returned a sum of Rs.15 lakhs to the victim. Later, based on the complaint given by them, a criminal case has been registered and he was arrested and remanded to judicial custody on 08.01.2021. Now, seeking bail, the present petition has been filed.

3. The learned counsel appearing for petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in the present case. The petitioner has only introduced the defacto complainant and others to A1 and A1 only has received the amount and a part of the amount was also repaid to him. He would submit that he is in jail from 08.01.2021. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent has strongly opposed this petition on the ground that it is a case of job racketing. The petitioner has introduced three persons to A1 and he has collected the money from the victim and handed over to A1. A1 has cheated more than eight persons. She would submit that the investigation is almost completed and he is in jail for more than two months. However, she opposed to grant bail to the petitioner.

5. I have heard and considered the rival submissions made by the learned counsel appearing for petitioner as well as learned Addl. Public Prosecutor appearing for respondent.

6. Taking into consideration of the fact that, the petitioner has only introduced the persons to A1 and A1 has cheated more than eight persons, now the investigation is almost completed, there is no previous antecedents against the petitioner and considering the period of incarceration suffered by the petitioner for more than two months, 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 petitioner, after his release from prison, report before the respondent daily at 10.30 a.m. for the period of two weeks and thereafter as and when required for interrogation;

(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.

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

-sd/-
08/03/2021

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 CCB & CBCID METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
CONVENTIONAL CRIME, TEAMXIX,
CENTRAL CRIME BRANCH, CHENNAI.

+1CC to M/S.R.MUTHUKUMAR Advocate on payment of necessary charges SR NO.2915

CRL OP.3098/2021

Date :08/03/2021

MK:09/03/2021



WEB COPY