

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.04.2021

CORAM :

THE HON'BLE MR. JUSTICE M.DHANDAPANI

CrI.O.P.No.5751 of 2021

Franklin Jebaraj

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Bank Fraud Investigation Wing
CCB, Chennai.
(Crime No.58 of 2019)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.58 of 2019 on the file of the Respondent Police.

For Petitioner : Mr.A. Mohamed Ismail

For Respondent : Mr.M. Prabavathi, APP

ORDER

The petitioner, who was arrested on 22.02.2021 for the offence under Section 406, 419, 420, 467, 468, 471 r/w Section 120B of IPC r/w Section 66A of IT Act in Cr.No.58 of 2019 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused under the guise of running a call centre and arranging for loans, cheated the defacto complainant to the tune of several crores of rupees. Hence the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner was inducted as an employee of the company by the Director of the Company to train the employees in the call centre and the petitioner believing it to be genuineness of the company, had joined the company and trained the call center employees. Other than that, the petitioner has no role in the company. However, the petitioner has been roped in as an accused in the complaint filed by the defacto complainant and that the petitioner has been in judicial custody for more than 45 days. Hence he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor vehemently opposed the bail application by stating that the petitioner along with other accused swindled a huge amounts from innocent persons who had applied for loan. She further submits that the investigation is still going on. However, she fairly concedes that some of the co-accused have been granted bail by this Court.

5. Taking into consideration the fact that the petitioner is only an employee of the organisation and is not alleged to be in the top management of the company and further the fact that some of the co-accused have already been granted bail by this Court, I am inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the CCB and CBCID Metropolitan Magistrate, Egmore and on further condition that:

(a)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)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 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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
09/04/2021

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 AND 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,
BANK FRAUD INVESTIGATION WING,
CCB, CHENNAI.

CC to M/S.A.MOHAMED ISMAIL Advocate on payment of necessary charges

CRL OP.5751/2021

Date :09/04/2021

MK:09/04/2021

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