

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.7065 of 2020

Vinoth

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Central Crime Branch,
EDF-I, Team-II,
Chennai.
(Crime No. 14 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner/Accused on bail in Crime No.14 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.Akbar Basha

For Respondent : Mrs.M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 06.02.2020 for the offence punishable under Sections 409, 420, 467, 468 and 506(i) of IPC in Crime No.14 of 2020, seeks bail.

2. The petitioner is the sole accused. The case of the prosecution is that the petitioner impersonated himself as an Advocate and received a fees to the tune of Rs.9,60,000/- from the defacto complainant and also created a fake order copy as if it was issued by the Court. Hence, the complaint came to be registered.

3. The petitioner was arrested and remanded to judicial custody on 06.02.2020. Subsequently, this Court by an order dated 26.03.2020 granted interim bail to the petitioner till 27.04.2020, for passing further order, the matter is listed today.

4. Heard both sides and perused the materials available on records carefully.

5. The allegations are very serious in nature. The petitioner was alleged to have collected a sum of Rs.9.6 lakhs from the innocent client and also created a fake order copy and cheated him.

6. Taking into consideration of the facts and circumstance of the case, and the fact that already interim bail was granted to the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) **The petitioner, on release, is directed to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Crime No.14 of 2020 before the Metropolitan Magistrate for Exclusive Trial of CCB and CBCID Metro Cases, Egmore, within fifteen (15) days from the date of receipt of a copy of this order and deposit the remaining sum of R.4,60,000/- (Rupees Four Lakhs Sixty Thousand only) within a period of six(6) weeks, thereafter.**

(b) **In the event of the amount being deposited, the said learned Magistrate is directed to return the money to the defacto complainant;**

(b) 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 **Metropolitan Magistrate for Exclusive Trial of CCB and CBCID Metro Cases, Egmore,** and on further conditions that:

(c) 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;

(d) the petitioner shall report before the respondent police as and when required for interrogation;

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

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

(g) the petitioner 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 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];

(d) 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/-
10/03/2021

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 METROPOLITAN MAGISTRATE
FOR EXCLUSIVE TRIAL OF CCB AND CBCID METRO
CASES, EGMORE.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
EDF-I, TEAM-II, CHENNAI.

+1 CC to M/S. M.AKBAR BASHA Advocate on payment of necessary charges SR.NO.3109

CRL OP.7065/2020

Date :10/03/2021

TA-11/03/2021

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