

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.7058 of 2020

Haridoss

... Petitioner

Vs.

State Rep. by
Station House Officer,
District Crime Branch Police Station,
Cuddalore District.
(Crime No.4 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to grant bail to the petitioner in Crime No.4 of 2020 pending investigation on the file of the Respondent Police.

For Petitioner : Mr. M.Jaikumar

For Respondent : Mr.M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

Petitioner was arrested and remanded to judicial custody on 20.02.2020 for the offence punishable under Sections 468, 471, 420 and 506(i) of IPC in Crime No.4 of 2020, and subsequently, he was released on interim bail by the order of this Court on 26.03.2020.

2. It is a case of job racketing. Totally, there are two accused and the Petitioner is A2. The case of the prosecution is that the petitioner and A1, on the promise of getting job in the Tamilnadu Government Transport Department, received a sum of Rs.9 lakhs from the de-facto complainant and thereafter, neither secured the job nor returned the money. Hence, a case has been registered.

3. The learned counsel for the petitioner would submit that the petitioner has only introduced the defacto complainant to A1 and A1 has received the money from the defacto complainant and he got interim bail and this petitioner is no way connected with the offence. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that it is a case of job racketing. A1 received a sum of Rs.6 lakhs and this petitioner received a sum of Rs.3 lakhs from the defacto complainant under the guise of getting job in Tamilnadu Government Transport Department and thereafter, neither secured job nor returned the money. She would further submit that A1 was granted interim bail during the Covid period. Hence, she opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances of the case and the fact that interim bail was granted to A1 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 District Munsif-cum-Judicial Magistrate, kattumannar Kovil, 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 deposit a sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) before the District Munsif-cum-Judicial Magistrate, kattumannar Kovil, to the credit of Crime No.4 of 2020 within period of two weeks from the date of receipt of a copy of this order, failing which, it is open to the respondent to file a petition to cancel the bail.

(d) the petitioner shall report before the respondent police daily at 10.30 a.m., for 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.

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

-sd/-
11/02/2021

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 DISTRICT MUNSIF-CUM JUDICIAL MAGISTRATE,
KATTUMANNAR KOIVL, CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE STATION HOUSE OFFICER,
DISTRICT CRIME BRANCH POLICE STATION,
CUDDALORE DISTRICT.

CC to M/S. M.JAIKUMAR Advocate on payment of necessary charges

CRL OP.7058/2020

Date :11/02/2021