

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.05.2021

CORAM:

THE HON'BLE Ms.JUSTICE R.HEMALATHA

CRL.O.P.No.9272 of 2021

HimanshuTyagi

... Petitioner

Versus

State rep. By:-

Inspector of Police,
Central Crime Branch,
Bank Fraud Investigation Wing,
(Crime No.324 of 2019),
Chennai.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure, to enlarge the petitioner on bail pending investigation in Crime No.324 of 2019 on the file of the respondent.

For Petitioner : Mr.Gopalakrishnan Gopi for
Mr.C.Raja

For Respondent : Mr.E.Raj Thilak,
Government Advocate (Crl. Side)

ORDER

(The case has been heard through Video Conference)

The petitioner, who was arrested and remanded to judicial custody on 31.03.2021 for the offences punishable under Sections 120B r/w 419, 420 of IPC altered to 120B r/w 419, 420, 467, 468, 471 IPC and 66 C & 66 D Information Technology Act, 2000 IPC in Crime No.324 of 2019 on the file of the Inspector of Police, Central Crime Branch, Bank Fraud Investigation Wing, Chennai, seeks bail.

2.The case of the prosecution is that the petitioner and the other accused cheated more than 27 persons under the guise of getting jobs and also receiving money through online as consideration.

3.Mr.Gopalakrishnan Gopi for Mr.C.Raja, learned counsel for the petitioner contended that the petitioner is innocent and has not committed any offence as alleged by the prosecution. He further contended that the petitioner is in judicial custody since

31.03.2021 and considering the present COVID-19 pandemic situation, the bail application filed by the petitioner may be considered.

4.Per Contra, the learned Government Advocate (Crl.Side) appearing for the respondent Police on instructions would contend that the investigation is yet to be completed and prayed for dismissal of the bail application.

5.In the facts and circumstances of the present case and also keeping in mind the present COVID-19 pandemic situation and taking into account the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner subject to the following condition:

(a) The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) before the Superintendent, Central Prison-II, Puzhal and thereafter on his release, shall execute a bond for Rs.10,000/- with two sureties for like sum each to the satisfaction of the learned CCB & CBCID Metropolitan Magistrate, Egmore within a period of two weeks from the date of the commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand cancelled automatically;

(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 report before the respondent Police daily at 10.30 a.m., until further orders;

(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/-
19/05/2021

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.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON NO.II,
PUZHAL, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
BANK FRAUD INVESTIGATION WING,
CHENNAI.

+1CC to M/S. C.RAJA Advocate on payment of necessary charges
SR.NO.6245

CRL OP.9272/2021

Date :19/05/2021

MK:21/05/2021

WEB COPY