



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.17379 of 2021

K.V.N.Rajan

... Petitioner

Vs.

The State Represent by
The Inspector of Police, CCB-I,
Chennai.
Crime No.90 of 2021

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in connection with the case in Cr.No.90 of 2021 pending investigation on the file of the respondent Police.

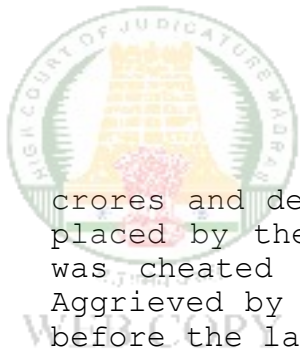
For Petitioner : Mr.B.Hari Krishnan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl side)

ORDER

The petitioner, who was arrested and remanded to judicial custody by the respondent police for the offences under Section 406 and 420 IPC r/w.34 IPC in Cr.No.90 of 2021, seeks bail.

2. The case of the prosecution is that the petitioner / 1st accused is the Deputy General Manager of M/s.ITI Ltd and requested the defacto complainant to place orders for supply of nitrile gloves with A2, who is an empanelled vendor of ITI. Subsequently after mutual negotiation between the defacto complainant and A2, A2 agreed to supply the material to the defacto complainant on receipt of payment and thereafter, the defacto complainant sought 1st accused / petitioner advice for remittance of the amount to A2 and at the instance of petitioner, the defacto complainant made payment of Rs.2.20 crores to the account of A2. However, A2 adjusted the remittance of Rs.2.20 crores made by the defacto complainant towards the outstanding bills due and payable by ITI to the tune of Rs.2



crores and declined to supply the materials as per the purchase order placed by the defacto complainant. Likewise, the defacto complainant was cheated for huge amount at the hands of the accused persons. Aggrieved by the same, the defacto complainant has lodged a complaint before the law enforcing agency.

3. The learned counsel for the petitioner submitted that the petitioner never committed any offence as alleged by the prosecution and he is innocent of the said commission of offence and he has been falsely implicated in these cases. Further it is the submission of the learned counsel for the petitioner that the petitioner had no role to play in the commission of offence and no money has been received from the defacto complainant. However, on instructions, learned counsel further submits that the petitioner, without prejudice to his rights, is ready to deposit the amount of Rs.75,00,000/- to the credit of the crime number and also conceded the same to be disbursed to the defacto complainant. However, the learned counsel submitted that before disbursing the amount to the defacto complainant, an affidavit of undertaking shall be obtained from the defacto complainant stating that in the event of the petitioner succeeding in the case, the amount of Rs.75,00,000/- will be returned to the petitioner.

4.The learned Government Advocate (Crl.Side) submits that at the instance of the petitioner only, the defacto complainant has made such an huge amount of Rs.2 crore and thereafter cheated the defacto complainant. He further submitted that the co-accused were enlarged on anticipatory bail on conditions to make deposit, as agreed by them and the learned Government Advocate vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the submission made by the learned counsel on either side and further the petitioner, on his own volition, is ready and willing to deposit Rs.75,00,000/ to the credit of the above Crime Number., this Court is inclined to grant bail to the petitioner with some stringent conditions.

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 learned CCB/CB-CID Court at Egmore and on further condition that:

(a) the petitioner shall deposit a sum of Rs.75,00,000/ (Rupees Seventy five lakhs only) to the credit of Cr.No.90 of 2021 before the learned CCB of CBCID Court at Egmore, within a period of four weeks from the date of receipt of a copy of this order . On such deposit being made, the CCB of CBCID Court at Egmore, shall obtain an affidavit of undertaking from the defacto complainant stating that in the event of the petitioner succeeding the



case, the amount of Rs.75,00,000 deposited by the petitioner to the credit of Cr.No.90 of 2021 will be returned to the petitioner and after obtaining such affidavit of undertaking from the defacto complainant, shall disburse the said amount to the defacto complainant within a period of two weeks thereafter;

(b)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 tamper with evidence or witness either during investigation or trial;

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

(f)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 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]; and;

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

-sd/-
27/09/2021

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/CB-CID COURT,
EGMORE.

2 THE INSPECTOR OF POLICE,
CCB-1, CHENNAI

3 THE OFFICER INCHARGE,
SUB-JAIL, SAIDAPET.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S B.HARI KRISHNAN Advocate on payment of necessary
charges SR.NO.10621

CRL OP.17379/2021

Date :27/09/2021

JPA 28/09/2021