

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.20789 of 2020

Sathishjumar

... Petitioner

Vs.

State (Rep. by its)

S.H.O. CBCID,

Cuddalore Police Station,

Cuddalore.

(Crime No.02 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the accused/petitioner on bail in Crime No.02 of 2020 on the file of the Respondent.

For Petitioner : Mr. V.Neethidurai

For Respondent : Mrs.M. Prabhavathi,
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 01.11.2020 for the offences punishable under Sections 409, 420, 468, 471 of IPC r/w. Sections 43, 66 © of Information Technology Act, 2000, in Crime No.02.2020, seeks bail.

2. Totally 23 accused involved in this case and the petitioner is ranked as A1. The allegation is that the petitioner is the son of a Ward Member. In Prime Minister Kisan Samman Nidhi (PM-KISAN), a Central Government Scheme with 100% funding from Government of India is under implementation in Tamil Nadu from 01.12.2018. As per the guidelines, the eligible farmers to be supported under the scheme as per Standard Operating Procedure of Government of India. In this process, the beneficiaries were identified and the details were uploaded on PM-KISAN portal. It is alleged that the petitioner said to have uploaded the names of ineligible persons who do not have any piece of land, in the PM-KISAN portal for the purpose of getting benefits and received the money and cheated the Government. Based on the said registration, money also paid to ineligible persons and the petitioner also benefited through this transaction. Hence the crime has been registered. The petitioner was arrested on 01.11.2020 and remanded to judicial custody on the same day.

3. The learned counsel for the petitioner would submit that the petitioner is a social worker and he has collected the name of the farmers residing in the village and it is only the Nodal Officer, in turn, after verifying the details, uploaded the same in the website and registered the same. He would further submit that the petitioner is an innocent and he has nothing to do with the alleged offence. He would further submit that he has been falsely implicated in this case and the entire amount has been recovered. He would further submit that he has been incarcerated from 01.11.2020. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor would submit that the petitioner registered the names of ineligible farmers in the web site under the PM-KISAN Scheme and cheated the Government. Given the particulars regarding the farmers in the village, the entire amount have been recovered from them.

5. Considering the fact that the entire amount have been recovered from the farmers and since the petitioner has been incarcerated from 01.11.2020, and the investigation also almost completed, 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 his executing 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 Judicial Magistrate, Cuddalore, 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, on his release from prison, shall appear 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.

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

-sd/-

25/01/2021

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 JUDICIAL MAGISTRATE,
CUDDALORE

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 S.H.O. CBCID,
Cuddalore Police Station,
Cuddalore.

5 THE SUPERINTENDENT,
CENTRAL PRISON,
CUDDALORE

CC to M/S. V.NEETHIDURAI Advocate on payment of necessary charges Sr.834

CRL OP.20789/2020

Date :25/01/2021

RVR 27/01/2021