

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.01.2021

CORAM :

THE HON'BLE Mr. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.20513 of 2020

and

Crl.MP.NO.8939 of 2020

K.Raja

... Petitioner

Vs.

The State Rep. by  
The Inspector of Police,  
E-1 Police Station,  
Mylapore, Chennai.  
(Crime No.14 of 2017)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.14 of 2017 pending on the file of the Respondent.

For Petitioner : Mr.S.Vellidoss

For Intervenor : Mr.R.Venkatraman

For Respondent : Mrs.M.Prabhavathi,  
Additional 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 27.11.2020 for the alleged offence punishable under Sections 406 & 420 of IPC in Crime No.14 of 2017, seeks bail.

2. The case of the prosecution as per the de facto complainant is that the petitioner is said to have collected Rs.45,00,000/- from the de facto complainant under the guise of getting medical seat and thereafter, failed to get medical seat and cheated him. Hence, the Complaint.

3. Earlier, the petitioner approached this Court seeking anticipatory bail in Crl.OP.No.15032 of 2018 and this Court granted anticipatory bail to the petitioner with a condition to pay a sum of Rs.4,50,000/- to the de facto complainant. Since the petitioner did not comply with the condition, he was arrested on 27.11.2020 and remanded to judicial custody and hence, the present petition has been filed by the petitioner seeking grant of bail.

4. Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioner would submit that the petitioner has paid the entire amount of Rs.4,50,000/- to the de facto complainant, as directed by this Court. and hence, he prays to grant bail to the petitioner.

5. The learned counsel appearing for the intervenor would submit that the de facto complainant has received a Demand Draft for a sum of Rs.3,00,000/- and also Rs.1,50,000/- by way of cash.

6. Taking into consideration the facts and circumstances of the case 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 XVIII Metropolitan Magistrate, Saidapet, 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 report before the respondent police 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.

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

-sd/-

06/01/2021

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 XVIII METROPOLITAN MAGISTRATE,  
SAIDAPET, CHENNAI

2 THE CHIEF METROPOLITAN  
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
E-1 POLICE STATION, MYLAPORE, CHENNAI-04.

5 THE SUPERINTENDENT,  
CENTRAL PRISON, PUZHAI, CHENNAI

CC to M/S.S.VELLIDOSS Advocate on payment of necessary charges  
SR.109

Cr1.O.P.No.20513 of 2020

and

Cr1.MP.NO.8939 of 2020

WEB COPY

Date : 06/01/2021

RVR 07/01/2021