

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2021

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.20824 of 2020

Prabhu @ Gopinath

... Petitioner

Vs.

The State rep. by
The Inspector of Police
Neelankarai Police Station
Chennai.
Crime No.1350 of 2020.

...Respondent

Prayer: Criminal Original Petition filed under Section 439 of Criminal Procedure Code, praying to enlarge the petitioner on bail in Crime No.1350 of 2020 pending investigation on the file of the respondent.

For Petitioner : Mr.T.R.Udaya Kumar

For Respondent : Mr.M.Prabavathy
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 04.11.2020, for the alleged offence under Section 406, 420 IPC r/w 66D, 66C of IT Act, in Crime No.1350 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other two accused had collected money to the tune of Rs.1,70,000/- from 16 victims under the guise of getting job and thereafter failed to do so. Hence the complaint came to be registered. Totally there are 3 accused in this case and the petitioner is A1.

3. The learned counsel for the petitioner would submit that already co-accused, namely A2 and A3 have been released on bail. He would further submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in custody from 04.11.2020 and hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor Advocate (Crl. Side) appearing for the respondent would submit that the petitioner is main accused in this case and he along with other accused collected money from the victims and cheated them. Hence, she vehemently opposed to grant bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner on instructions submitted that without prejudice to his defence, the petitioner is prepared to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only).

6. Considering the facts and circumstances of the case and the co-accused was already released on bail and also the petitioner has come forward to deposit a sum of Rs.25,000/-, 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 No.II, Alandur**, and on further condition that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the 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.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.1350 of 2020 before the learned Judicial Magistrate II, Alandur, before executing the bond.

[d] the final order in respect of the deposit amount shall be passed by the trial Judge at the time of conclusion of trial.

[e] the petitioner shall report before the respondent police on every Monday at 10.30 a.m until further orders.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] the petitioner shall not abscond either during investigation or trial.

[h] 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 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]**.

[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
04/01/2021

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,
NO.II, ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NEELANKARAI POLICE STATION,
CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

+1 CC to M/S T.R.UDAYA KUMAR Advocate on payment of necessary charges SR.NO.28

सत्यमेव जयते

CRL OP.20824/2020

Date :04/01/2021

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