

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.01.2021

CORAM :

THE HON'BLE Mr. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.20963 of 2020

Palanisamy

... Petitioner

Vs.

The State

Rep. by The Inspector of Police,
B-3 Fort Police Station Police Station,
Chennai District.
(Crime No.349 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.349 of 2020 pending on the file of the Respondent.

For Petitioner : Mr.G.Ilamurugu

For Intervenor : Mr.Prajoy

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 01.12.2020 for the alleged offence punishable under Section 420 of IPC in Crime No.349 of 2020, seeks bail.

2. The case of the prosecution as per the de facto complainant is that the petitioner is the sole accused and it is the case of job rocketing. The allegation against the petitioner is that he collected money to the tune of Rs.15,00,000/- from the four victims in the guise of getting Government job and thereafter, failed to get the job and also refused to repay the amount. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that the petitioner received only a sum of Rs.2,50,000/- and the amount was transferred to the accounts of the petitioner and his wife, apart from that no amount was received by him. He would submit that the petitioner was arrested on 01.12.2020 and hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that it is the case of job rocketing and that the petitioner received huge amount from four persons and thereafter, he refused to repay the amount.

5. The learned counsel appearing for the intervenor would submit that the petitioner totally received more than Rs.15,00,000/- in the guise of getting Government jobs and failed to repay the same.

6. At this juncture, the learned counsel for the petitioner would submit that the petitioner is prepared to abide by any stringent condition that may be imposed by this Court.

7. Heard the learned counsel for the petitioner and the learned counsel for the intervenor as also the learned Additional Public Prosecutor appearing for the respondent. Perused the entire materials available on record.

8. 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 VII Metropolitan Magistrate, George Town, Chennai, and on further conditions that the petitioner is directed to deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) and also furnish the original title deeds of immovable property worth about Rs.10 Lakhs, to the credit of Crime No.349 of 2020 before the Trial Court on or before 29.01.2021;

(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 every day at 10.30.a.m. for a period of two weeks and thereafter, as and when required for interrogation;

(d) the final order in respect of the said deposit shall be passed by the learned Magistrate at the conclusion of trial;

(e) the petitioner shall not commit any offences of similar nature;

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

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) 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

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

9. With the above directions, this Criminal Original Petition is ordered. Post on 02.02.2020 under the caption "For Reporting Compliance".

-sd/-

08/01/2021

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 NO.VII METROPOLITAN MAGISTRATE
GEORGE TOWN, CHENNAI

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
B-3, FORT POLICE STATION,
CHENNAI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI

CC to M/S. G.ILAMURUGU Advocate on payment of necessary charges

CC to M/S. PRAJOY Advocate on payment of necessary charges
Sr.237

WEB COPY

CRL OP.20963/2020

Date :08/01/2021

RVR 11/01/2021