



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.22600 of 2021

Babu

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
CCB-I, (Job Racketing),
Chennai
(Crime No.188 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.188 of 2021 pending investigation on the file of the Respondent Police.

For Petitioner : M/s.John Sathyan
for Mr.C.Durairaj

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 24.10.2021 for the offence under Sections 406 and 420 of IPC, in Crime No.188 of 2021, on the file of the respondent police seeks bail.

2. The case of the prosecution is that the defacto complainant is a retired employee of Tamil Nadu Electricity Board and he has got two sons and that they were looking for jobs. At that time, the de facto complainant got acquaintance with the petitioner through his relative. While so, the petitioner on the false promise of securing jobs to the defacto complainant's son in the TNEB obtained Rs.20 lakhs from the defacto complainant by way of cash and bank transaction on various dated. Thereafter, the petitioner neither secured any job nor returned the money. Hence, the complaint.



3. The learned Counsel for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case. Admittedly, the petitioner had borrowed money from the defacto complainant. But the respondent police without giving any opportunity to explain the fact, entered into the house of the petitioner during late night and arrested the petitioner on 23.10.2021 and taken away a sum of Rs.2 lakhs and two sovereigns of gold jewels and a bike from the petitioner. He would submit that the petitioner is ready to abide any stringent condition that may be imposed by this Court and the petitioner has been suffering incarceration for more than 30 days from 24.10.2021. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) raised objection stating that the petitioner on several occasion received a sum of Rs.20 lakhs from the defacto complainant on the false promise of securing Government Job to the sons of the defacto complainant. He would further submit that the petitioner has got one previous case and he was granted bail on condition to deposit a substantial amount and that the petitioner has not yet complied with the order.

5. Considering the facts and circumstances of the case and considering the period of incarceration undergone by the petitioner and that the investigation is almost completed, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) to the credit of Crime No.188 of 2021 and on such deposit, 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 learned Metropolitan Magistrate for CCB & CBCID Cases, Egmore, Chennai, and on further conditions that:

(a) 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;

(b) the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m. until further orders.

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

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



(e) 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]; and;

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

-sd/-

30/11/2021

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 METROPOLITAN MAGISTRATE
FOR CCB & CBCID CASES, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE INSPECTOR OF POLICE,
CCB-I, (JOB RACKETING),
CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S C.DURAIRAJ Advocate on payment of necessary charges
SR.NO.13689

CRL OP.22600/2021

Date :30/11/2021

RW 01/12/2021