



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2021

CORAM:

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

Crl.O.P.No.24535 of 2021

Akkimraja

... Petitioner

Vs.

State: Represented by
The Inspector of Police
G-3, Kilpauk Police Station
Chennai
Crime No.422 of 2021

Now Transferred to

State Rep. by
Inspector of Police
Central Crime Branch
Vepery, Chennai

... 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.422 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.S.Shankar

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 22.09.2021 for the offences under Sections 419, 465, 467, 468, 471, 120B, 420, 511 of IPC, in Crime No.422 of 2021, on the file of the respondent police, seeks bail.



2. The case of the prosecution is that on 22.09.2021, the defacto complainant who is the Branch Manager of Punjab National Bank, Purasaivakkam Branch, received a cheque bearing No.451641 for a sum of Rs.9,99,91,000/- and on suspicious verified with the account holder during which, it was found that the alleged cheque was originally issued in favour of one Sachin Sen for an amount of Rs.8,737/- dated 05.10.2019. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner/A3 is an innocent and he has been falsely implicated in this case. He would submit that the petitioner is the account holder of the said bank and he is nothing to do with the alleged offence. He would further submit that this is the second application for bail and the earlier application was dismissed by this Court in Crl.O.P.No.21733 of 2021 vide order dated 19.11.2021 and that the petitioner has been suffering incarceration for more than 85 days from 22.09.2021. Hence, he would pray for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would raise objection stating that all the accused attempted to encash more than Rs.9 Crore by using fabricated cheque and that the petitioner is arrayed as A3. He would further submit that still A1 and A11 to A16 are absconding and a gang of persons are involved in this case but admits that there is no previous case against the petitioner and co-accused has been released on bail and that the investigation is almost completed.

6. Considering the fact that the co-accused has been released on bail and the investigation is almost completed and there is no previous case against the petitioner and also considering the period of incarceration undergone by him, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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 learned X Metropolitan Magistrate, Egmore, 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 Tuesday and Sunday 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/-
17/12/2021

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 NO.X,
EGMORE, CHENNAI.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI,
CHENNAI.



4 THE INSPECTOR OF POLICE,
G-3, KILPAUK POLICE STATION,
CHENNAI

5 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
VEPERY, CHENNAI.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.S.SHANKAR Advocate on payment of necessary charges
SR.NO.14986

CRL OP.24535/2021

Date :17/12/2021

MK:17/12/2021