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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2021

CORAM:

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

Crl.O.P.No.24457 of 2021

K.Abdul Hameed @ Abdul Amith @ Raja

... Petitioner

Vs.

State, Rep by
The Inspector of Police,
Job Racket Wing,
CCB-I, Chennai.
(Crime No.104 of 2018)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending investigation in Crime No.104 of 2018 on the file of the respondent.

For Petitioner : Mr.S.Ashok Kumar

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 15.11.2021 for the offences under Sections 420, 465, 468 r/w 120B of IPC in Crime No.104 of 2018 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner along with another cheated the defacto complainant and his friends under the guise of providing employment in the TNEB, due to which, the defacto complainant and his friends paid total sum of Rs.15,00,000/-. After received the money, they had issued fake appointment orders. Thereby, they had committed cheating. Hence, the complaint.

3. The learned Counsel for the petitioner submits that the petitioner is an innocent person and he has been falsely implicated in this case. He further submits that the co-accused was already enlarged on bail by the learned Metropolitan Magistrate (CCB & CBCID, Egmore vide Order dated 12.10.2021 in Crl.MP.No.21909 of 2021. He further submits that the petitioner has been suffering incarceration for more than 58 days from 15.11.2021. Hence, he seeks for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) submits that it is a case of job-racketing and there are two accused involved in this case. He further submits that A1 along with A2/petitioner cheated several persons under the guise of providing employment in the TNEB and the amount alleged to have been cheated is more than Rs.60,00,000/- and so far, 30 complaints have been received by the respondent police. He further submits that there is four previous cases against A1 and he was detained under goondas. Hence, he vehemently opposed to grant bail to the petitioner.

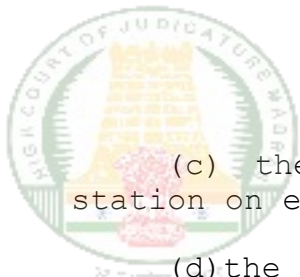
5. The learned counsel, on instructions, submits that the petitioner, without prejudice to his rights, he is ready to deposit the amount of Rs.5,00,000/- to the credit of the crime number on the file of the respondent police and also conceded the same to be disbursed to the defacto complainant. However, the learned counsel submits that before disbursing the amount to the defacto complainant, an affidavit of undertaking shall be obtained from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.5,00,000/- will be returned to him.

6. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner and also considering the fact that the petitioner is ready to deposit the amount of Rs.5,00,000/- to the credit of the crime number on the file of the respondent police, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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, out of which, one surety shall be a Government servant for a like sum to the satisfaction of learned Metropolitan Magistrate (CCB and CBCID), Egmore and on further conditions that:

(a) the petitioners shall deposit a sum of Rs.5,00,000/- (Rupees Five lakhs Only) to the credit of Cr.No.104 of 2018 within a period of four weeks from the date of receipt of copy of this order before the learned Metropolitan Magistrate (CCB and CBCID), Egmore . On such deposits being made, the learned Metropolitan Magistrate (CCB and CBCID), Egmore, shall obtain an affidavit of undertaking that from the defacto complainant in relation to the cheque amount to the effect that in the event of the accused coming out successful, the defacto complainant would return the amount to the accused and, thereafter, disburse the said amount of cheque to the defacto complainant within a period of two weeks thereafter;

(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 report before the respondent Police station on every day at 10.30 a.m. until further orders;

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

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

(f) 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;

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

-sd/-

14/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

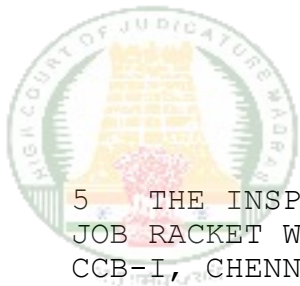
TO

1 THE METROPOLITAN MAGISTRATE
(CCB AND CBCID), EGMORE, CHENNAI

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE INSPECTOR OF POLICE,
JOB RACKET WING,
CCB-I, CHENNAI.

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CC to M/S.S.ASHOK KUMAR Advocate on payment of necessary charges

CRL OP.24457/2021

Date :14/12/2021

RVR 15/12/2021