



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2021

CORAM:

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

Crl.O.P.No.25127 of 2021

WEB COPY

B.Gnanaprakasam

...Petitioner

Vs.

State rep. by
Inspector of Police
Central Crime Branch,
Team - I, Vepary
(Crime No.90 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.90 of 2021 on the file of the respondent police.

For Petitioner : Mr.K.Balu

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 01.12.2021 for the offences under Sections 406,420, r/w 34 IPC altered in to Section 409, 420, 465, 468 r/w 34 of IPC , in Crime No.90 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the Deputy General Manager/A1 requested the defacto complainant to place orders for supply of nitrile gloves with A2, who is an empanelled vendor of ITI. Subsequently after mutual negotiation between the defacto complainant and A2, A2 agreed to supply the material to the defacto complainant on receipt of payment, thereafter, the defacto complainant sought 1st accused advice for remittance of the amount to A2 and at the instance of A1, the defaco complainant made payment of Rs.2.20 crores and declined to supply the materials as per the purchase order placed by the defacto complainant. A2 has returned the excess amount a sum of Rs.20lakhs to the defacato complainant and the accused persons refused to return the balance amount. Likewise, the defacto complainant was cheated for huge amount at the hands of the accused persons. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case and he further submits that the co-accused were already released on bail and anticipatory bail . He would further submit that the petitioner has been suffering incarceration for more than 20 days from 01.12.2021. Hence, he would pray for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would raise strong objection stating that the amount involved in this case is more than 2 crores He further submits that the petitioner herein ranked as A5 and he further submits that A1,A2,A4 were already released on anticipatory bail with the condition to pay a sum of Rs.1,15,00,000/- to the credit of Crime number and the accused has not complied with the said condition and the investigation is at initial stage. 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, is ready to deposit the amount of Rs.15,00,000/- 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.15,00,000/- will be returned to him.

6. Considering the facts and circumstances of the case and also the fact that nature of the offence and co-accused were released on bail also considering the fact that the petitioner is ready to deposit the amount of Rs.15,00,000/- 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, 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 p.m., until further orders;



(c) the petitioner shall deposit a sum of Rs.15,00,000/- (Rupees Fifteen lakhs Only) to the credit of Cr.No.90 of 2021 within a period of four weeks from the date of receipt of copy of this order before the learned Metropolitan Magistrate for CCB & CBCID cases, Egmore, Chennai. On such deposits being made, the learned Metropolitan Magistrate for CCB & CBCID cases, Egmore, Chennai shall obtain an affidavit of undertaking from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.15,00,000/- deposited by the petitioner to the credit of Cr.No.90 of 2021 will be returned to the petitioner and after obtaining such affidavit of undertaking from the defacto complainant, shall disburse the said amount to the defacto complainant within a period of two weeks thereafter;

(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/-

21/12/2021

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
FOR CCB & CBCID CASES, EGMORE, CHENNAI.

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



3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

4 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
TEAM - I, VEPERY

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. K.BALU Advocate on payment of necessary charges
SR.NO.15220

CRL OP.25127/2021

Date :21/12/2021

RW 22/12/2021