



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

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

Crl.O.P.No.839 of 2022

G.Jayakrishnan

..Petitioner

Vs.

State by: The Inspector of Police
G-2, Periamet Police Station,
Chennai.
(Crime No.520 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.520 of 2021 on the file of the respondent police.

For Petitioner : Mr.R.Vivekananthan

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

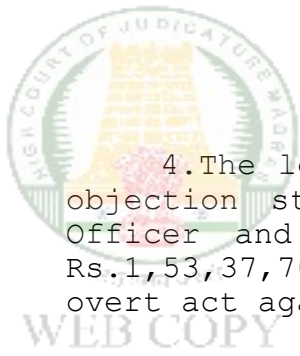
ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 08.12.2021 for the offences under Sections 294(b), 406, 419, 420 and 506(i) of IPC in Crime No.520 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that A1 and A2 posted themselves as Income-tax Officer and I.A.S Officer respectively and informed the defacto complainant and others that they would get gold for cheaper price. Believing the words, the defacto complainant gave Rs.1,53,37,700/-. However, they have neither given the gold nor returned the money and cheated the defacto complainant and others. When the same was questioned by the defacto complainant, petitioner herein along with other accused have threatened the defacto complainant with dire consequences and alleged to have transacted Rs.51,88,100/- on two occasions from A1. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case. He further submits that the petitioner is only friend of accused/A1 and has been suffering incarceration for more than 30 days from 08.12.2021. Hence, he would pray for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) would raise strong objection stating that A1 and A2 posted themselves as Income-tax Officer and I.A.S Officer respectively and cheated an amount of Rs.1,53,37,700/- from the defacto complainant and others and the overt act against the petitioner is that he is the friend of A1.

5. Considering the above facts and circumstances of the case that the petitioner is the friend of A1 and apart from that no specific allegation has been made against the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned II Metropolitan Magistrate at Egmore, Chennai within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) 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;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

(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 5560];



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

WEB COPY

-sd/-

12/01/2022

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 II METROPOLITAN MAGISTRATE
EGMORE, CHENNAI

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

3 INSPECTOR OF POLICE,
G-2, PERIAMET POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAL, CHENNAI

CC to M/S. R.VIVEKANANTHAN Advocate on payment of necessary
charges Sr.654

CRL OP.839/2022

Date :12/01/2022

RVR 19/01/2022