



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.2964 of 2022

1. Balaji
2. Thulasidass

... Petitioners

Vs.

State rep. by its
Inspector of Police
Periyamet
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 Petitioners : Mr.K.V.Ramesh

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 07.12.2021 for the offences under Sections 294(b), 468, 420 r/w 506(ii) IPC, in Crime No.520 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that A1 and A2 posed themselves as income-tax Officer and I.A.S. Officer respectively, informed the defacto complainant and others that they would get gold for cheaper price. Believing their words, the defacto complainant gave a sum of Rs.50 lakhs. Thereafter, they neither gave the gold nor returned the money and cheated the defacto complainant. The total amount involved in this offence is Rs.6,80,00,000/-. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. However, the petitioners are ready to abide by any condition imposed by this Court. He would further submit that the petitioners are the first offenders. Due to business loss, they are not in a position to return the amount which was received from the defacto complainant and others. It is further submitted that the petitioners are in judicial custody from 07.12.2021 onwards and as of now, the co-accused in this case are all released on bail. Hence, he would pray for enlarging the petitioners on bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that after arresting the petitioners, the respondent police recovered a sum of Rs.6,75,000/- and two Innova Cars from the accused. However, she would fairly conceded that the portion of investigation has been completed.

5. The submissions made by the learned Counsel on either side are considered.

6. Being the reason that the misappropriated amount was recovered by the police in the form of Car and Cash, the further custodial interrogation of the petitioners may not be necessary for completing the investigation. Moreover, the petitioners are in judicial custody form 07.12.2021 and also the co-accused were all enlarged on bail by this Court. In view of the same, this Court is inclined to grant bail subject to the following conditions;

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

(b) the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the Learned II Metropolitan Magistrate, Egmore, 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 petitioners shall report before the respondent police daily at 10.00 a.m. for a period of 30 days and thereafter, as and when required for interrogation.

(e) the petitioners shall not commit any offences of similar nature;

(f) the petitioners shall not abscond either during investigation or trial;

(g) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

6. With the above directions, this Criminal Original Petition is ordered

-sd/-
08/02/2022

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 THE METROPOLITAN MAGISTRATE,
NO.II, EGMORE.

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

3 THE INSPECTOR OF POLICE,
PERIYAMET, CHENNAI.



4 THE SUPERINTENDENT,
PUZHAI PRISON (CENTRAL PRISON)

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+3 CC to M/S.K.V.RAMESH Advocate on payment of necessary charges
SR.NO.2096

CRL OP.2964/2022

Date :08/02/2022

JPA 09/02/2022