



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P.No.2725 of 2022

S.Gowtham

...Petitioner

Vs.

The State rep by
The Inspector of Police,
Central Crime Branch-1
Chennai.
(Crime No.119 of 2020)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner/accused on bail pending investigation in Crime No.119 of 2020 on the file of the respondent police.

For Petitioner : Mr.P.Premkumar

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

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 15.12.2021 for the offences under Sections 420, 408, r/w 34 of IPC in Crime No.119 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that A1 who employed in the defacto complainant's company, created fake customer data base in connivance with the present petitioner and other accused and in collusion with each other, A1 transferred a sum of Rs.58,73,132/- to the bank accounts of the petitioner and other accused. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and a false case has been foisted against him. He would further submit



that the alleged occurrence is happened in the year 2018 and the petitioner was arrested by the respondent police on 15.12.2021. The petitioner has been in judicial custody for 55 days from 15.12.2021. He would further submit that the other accused /A3 and A4 have not been arrested purposefully and only because of that, the investigation is still pending with the police officer. Hence, he would pray for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police fairly conceded that the other two accused alleged in this case have not been arrested and that the petitioner is not a beneficiary in the alleged occurrence.

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

6. Taking into consideration of the fact that the petitioner is not a beneficiary, as well as for the reason that the petitioner is in judicial custody from 15.12.2021, this Court is of the opinion that for completing the investigation, further custodial interrogation of the petitioner may not be necessary. Hence, 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 Judicial Magistrate -I, Alandur, Chennai-15, 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. for a period of 30 days and thereafter, as and when required for interrogation.

(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.

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

-sd/-

07/02/2022

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 JUDICIAL MAGISTRATE-I,
ALANDUR, CHENNAI-15.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH - 1, CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. P.PREMKUMAR Advocate on payment of necessary
charges SR.No.2023

CRL OP.2725/2022

Date :07/02/2022

CSK 08/02/2022