



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on :29.03.2022

Pronounced on :01.04.2022

CORAM:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Crl.O.P.No.6695 of 2022

Kalyani

.. Petitioner

/versus/

State rep.by
The Inspector of Police,
CCB, Job Racketing Wing,
Vepery, Chennai.
(Crime No.300 of 2020)

.. Respondent

Criminal Original Petition has been filed under Section 439 of Cr.P.C., praying to enlarge the petitioner on bail in Crime No.300 of 2020 pending on the file of the respondent police.

For Petitioner :Mr.A.Natarajan,
Senior Counsel for
M/s A.Madhumathi

For Respondent :Mrs.G.V.Kasthuri
Additional Public Prosecutor (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.02.2022 for the alleged offence punishable under Sections 406, 420, 465, 468 and 34 of IPC in Crime No.300 of 2020 is before this Court seeking bail.

2.The petitioner herein was arrested on 17/02/2022 by the respondent on the complaint given by one Geetha Rajkumar alleging that the petitioner and her husband cheated her of about Rs.1.22 crores on false promise to secure job for certain named persons in the Commercial Tax Department, TANGEDCO, Revenue Department as Village Administrative Officer, Police Department etc. To impress her, they showed fake appointment orders and collected money from her on different occasions.



3.The petitioner claims that the defacto complainant having received money from various persons to escape from her criminal liability has falsely implicated the petitioner and her petition in the scam. In fact, it is the defacto complainant, who admittedly received money from the job seekers and she is the real culprit and it is not the petitioner.

4.When this petitioner approached this Court for bail on the earlier occasion, in Crl.O.P.No.5348 of 2022, this Court dismissed the petition on 10/03/2022 with the following observations:-

"Reading of the FIR indicates that the defacto complainant an accomplice to the crime and the complaint itself is admission of the crime. The respondent police first ought to have arrested the defacto complainant and thereafter, based on her statement, should have proceeded against others. Therefore, this Court while dismissing this bail petition, direct the respondent police to arrest the defacto complainant for her involvement of collecting money from the gullible job seekers promising them to get government placement. With this observation, this Criminal Original Petition for bail is dismissed. The connected intervening petition is closed."

5.In this second bail petition, it is contended that for no fault of the petitioner she is incarcerated for more than 28 days. The respondent police has not evinced any interest in arresting the real culprit i.e the defacto complainant against whom the witnesses have alleged that they paid money for securing job. Hence, in the changed circumstances, the petitioner is ready to co-operate with the investigation, if released on bail.

6.The learned Additional Public Prosecutor (Crl.Side) appearing for the respondent filed Status Report about the investigation of the case and steps have been taken to secure the defacto complainant against whom the victims have given incriminating evidence against the defacto complainant and this petitioner and her husband. Further, the learned Additional Public Prosecutor (Crl.Side) also submitted that, apart from cheating, there are materials against this petitioner for fabricating fake appointment orders with the aid of persons in the Government Departments and private individuals. Investigation about the persons who aided for creating false documents to commit the crime of cheating and fabrication of false documents is at nascent stage. Hence, he opposed grant of bail to this petitioner.

7.This Court, after perusing the CD file and the status report filed by the prosecution, finds that the ramification of the job racketing scam appears to be deep rooted and points towards persons in



Government service and few named persons alleged to be intimated to the Minister. The investigation is at crucial stage and if the petitioner is released on bail at this stage, without ascertaining the identity of the persons alleged to be on the background of the scam and before securing Geetha Rajkumar who acted as agent and collected money from the victim making false promise naming the persons allegedly close to the Minister, it will be difficult for the Investigating Agency to reach at the root of the scam. In spite of an order passed by this Court to secure the defacto complainant, being the prime accused in this case and close to the Minister in power, the respondent police is unable to trace her and secure her. It is very unfortunate that the efficacy of Tamil Nadu Police has gone to such a low level, which was once praised as equal to Scotland yard. Hence, this Criminal Original Petition is dismissed.

-sd/-

01/04/2022

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 THE INSPECTOR OF POLICE,
CCB, JOB RACKETING WING,
VEPERY, CHENNAI.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.
(SPECIAL PRISON FOR WOMEN)

+1 CC to M/S.A.MADHUMATHI Advocate on payment of necessary
charges SR.NO.4943

CRL OP.6695/2022

Date :01/04/2022

TA-04/04/2022