



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 25.04.2022

Pronounced on : 28.04.2022

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Coram::

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Criminal Original Petition No.8597 of 2022

M.Keerthivasan

... Petitioner/Accused

/versus/

State Rep. by,
The Inspector of Police,
Job Racket Wing, Team-IX,
Central Crime Branch,
Egmore, Chennai.
Crime No.241 of 2021

... Respondent/Complainant

Prayer:- This Criminal Original Petition is filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioner on bail in connection with the case in Crime No.241 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.John Sathyan,
for Mr.D.Lakshmipathy

For Respondent : Mrs.G.V.Kasthuri,
Additional Public Prosecutor

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 02.04.2022 for the offences punishable under Sections 406, 420, 465, 468 read with 34 of I.P.C., in Crime No.241 of 2021, on the file of the respondent police, seeks bail.

2. The petitioner herein, on 22/12/2021 made a written complaint with the respondent police alleging that to secure a Government Job, gave Rs.1,75,000/- to one Swaminathan. That apart, believing his words that, he can arrange to get Government job, he also introduced his friends and relatives to Swaminathan to get them Government job. Swaminathan and his associates, he and 12 others gave a total sum of Rs.1,07,50,000 on various dates. They showed fake interview letters and appointment letters to collect money. The petitioner and others were taken to Hyderabad and Lucknow under the pretext of interview and On-Job training. Later, all found to be scheme of conspiracy to cheat the petitioner and others.



3. The F.I.R discloses that, from the defacto complainant initially Swaminathan received Rs.2,00,000/- on 20/08/2018 assuring Clerical Assistant Job in Co-operative Bank. The money was paid to Palanisamy and Sathiyathan as instructed by Swaminathan. They promised appointment letter will come in post within two months. Even after five months, he did not receive any letter. When he contacted them, he told, they have arranged to get job in Railways. He also received a mail on 28/01/2019 for interview at Hyderabad. On 30/01/2019, Sathiyathan took him to Hyderabad and asked the defacto complainant to give Rs.25,000/- to Sivaraman and told that, Sivaraman is responsible for getting the Railway job. On that day, 42 persons came to take up the online exam. 13 of them were given order copy in the name of RMGSS-Railway Mail Godam Sharamik Sang Union and was informed that, they will be at training for three months. On 13/05/2019, he and others were accommodated at the Union Office of RMGSS, Madhapur. On that day, he gave Rs.25,000/- to Sivaraman by cash. His brother transferred Rs.2,00,000/- through Bank on 23/08/2019. Sivaraman took 13 of them to Mr.Girish Karnal, President of RGMSS. Mr.Girish Karnal promised to get them job in Railways through Union after 45 days of training. Mr.Girish Karnal received Rs.50,000/- each and took them to Delhi for Medical Test at Railway Hospital. After received several lakhs from each of the persons on different dates, they were taken to Lucknow and was introduced to one Harendra Prathap Singh as the Northern Railways Workshop Manager. At Lucknow, they were for three months taken to SS-Office Room daily and asked to sign. Thereafter, sensing that, they are cheated, they all claimed the money back. Then Harendra Prathap Singh and Girish Karnal asked them to go back to Chennai and soon they will get order in I.C.F Chennai. On 03/03/2020, Harendra Singh came to Chennai along with one Rishi Pradan and took them all to I.C.F and were taken inside the I.C.F with labour Card. Since, they were not inclined to continue the said job, asked Swaminathan, Sathiyathan, Palanisamy, Sivaraman, Girish Karnal and Harendra Prathap Singh they promised to return the money shortly but not only failed to return the money but also started intimidating the petitioner that they will liquidate the petitioner and his family.

4. On the above complaint by the petitioner, the respondent police registered the case in Crime No.241/2021 for offences under Sections 406, 420, 465, 468 r/w 34 of I.P.C investigation was taken up and material collected during the course of investigation discloses that the petitioner is also part of the job racket cheating team and he has collected a sum of Rs.9 lakhs from one Karthick and Diliban and also introduced two other victims by name Veldoss and Chakravarthi to the Swaminathan and others and collected Rs.31,75,000/- from them. For acting as agent, he has received total commission of Rs.4,00,000/-. Hence, the petitioner was arrested on 02/04/2022 and remanded to judicial custody.



5. The bail petition is opposed by the respondent police on the ground that, the investigation is in initial stage and Sivaraman (A-5), Harendra Prathap Singh (A-8) and Deepak Sherda (A-7) are still not traced. The details of movable and immovable properties acquired out of the money cheated from the victims are yet to be identified and recovered. The recording of victims statement not yet completed. If this petitioner is let out on bail at this juncture, there is every possibility of tampering the evidence and also he may abscond.

6. This Court, on considering the nature of the allegations which includes fabrication of documents in the name of Railway Department requires unhindered investigation. The crime involves persons outside Tamil Nadu and some of the incidents alleged to have outside the State. It appears some of the Officials in Railway Department also involved in the crime of cheating the job seekers.

7. This petitioner, though part of the gang which has cheated more than a crore rupees on the promise of securing Government job, with an intention to mislead the victims and the investigation has posed himself as one of the victim of crime and given the complaint. Person who attempts to get public employment, through back door by corrupt means, on paying illegal consideration, is not an victim but an accomplice to the crime. Hence, considering the nature of the crime, its ramifications and the stage of investigation, this Court is not inclined to grant bail. Hence, this Criminal Original Petition is dismissed.

-sd/-

28/04/2022

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 SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI

2 INSPECTOR OF POLICE,
JOB RACKET WING, TEAM-IX,
CENTRAL CRIME BRANCH,
EGMORE, CHENNAI.



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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CC to M/S.D.LAKSHMIPATHY
charges Sr.6424

Advocate on payment of necessary

CRL OP.8597/2022

Date :28/04/2022

RVR 29/04/2022