



Crl.O.P.No.10800 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on 05.05.2022	Delivered on 06.05.2022
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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

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The petitioner/A1, who was arrested and remanded to judicial custody on 17.03.2022 for the alleged offence punishable under Sections 420, 465, 468 read with Section 34 of IPC in Crime No.244 of 2019 on the file of the respondent/police, seeks bail.

2. The petitioner was arrayed as accused No.1 in the said crime number and he was remanded to the Judicial custody from the date of arrest till today.

3. The case of the prosecution is that the accused under the guise of securing job in CMRL Ltd., asked the defacto complainant to part with



money. Believing his words, the defacto complainant paid Rs.3.5 lakhs by way of cash and also through RTGS. The defacto complainant had also issued cheques for a sum of Rs.4,25,000/- in the name of A1. An appointment order for defacto complainant's daughter was given by A4. On verification, it came to know that the appointment order is a fake one and therefore, the defacto complainant has made a complaint.

4. The learned counsel appearing for the petitioner would submit that the petitioner is not involved any offence. He has been falsely implicated in this case and he is arrayed as A1 and the defacto complainant has not given any money directly to the petitioner, but however the third accused is only the prime accused, who has received the money from the defacto complainant and the petitioner was arrested and remanded to the Judicial custody for more than 2 months. Further, the learned counsel would submit that already two applications have been dismissed without considering the facts that there is no overtact against the petitioner and therefore, he prays for grant of bail.



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5. The learned Additional Public Prosecutor would submit that the petitioner is arrayed as A1 in crime No.244 of 2019 and there is a specific overtact against the petitioner. The accused promised to get a job for the defacto complainant's daughter, and have received the money and issued a fake appointment order. Subsequently, the defacto complainant came to understand that the accused cheated him and therefore, he asked the accused to repay the money and they failed to repay the same. Hence, the defacto complainant lodged a complaint against them and therefore the case requires thorough investigation and the petition has to be dismissed.

6. Heard both sides and perused the records.

7. Admittedly, totally there are four accused involved in this case and the petitioner, who was arrayed as A1 was arrested and remanded to judicial custody on 17.03.2022 for the alleged offences punishable under Sections 420, 465, 468 read with Section 34IPC. There is a specific overtact against



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the petitioner also. The petitioner and other accused made a promise to the defacto complainant to secure a job to his daughter for which they have received the money and a fake appointment order was also issued. On verification, it came to know that they have cheated and therefore, the defacto complainant asked the accused to repay the money. All the accused except A5, have not repaid the money and therefore, specific overtacts are against the accused in which the petitioner is arrayed as A1. Initially, the petitioner filed an application for bail before the Session Judge, Chennai in Crl.M.P.No.5496 of 2022 and the same was dismissed on 08.04.2022. Thereafter, the petitioner has filed Crl.M.P.No.6364 of 2022 before the CCB & CBCID Metropolitan Magistrate, Egmore and the same was also dismissed on 25.03.2022 and hence, the petitioner is before this Court seeking bail.

8.Considering the serious nature of the offence and also considering the fact that there is a specific overtact against the petitioner and if the petitioner is released on bail, there is a possibility of him tampering the



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evidence, or absconding, thereby protracting the investigation and trial.

Therefore, under these circumstances, this Court is not inclined to grant bail to the petitioner.

Accordingly, this Criminal Original Petition is dismissed.

06.05.2022

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Index : Yes/No
Internet: Yes/No



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P.VELMURUGAN, J.

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