



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.11382 of 2022

M.KEERTHIVASAN

[PETITIONER / ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
JOB RACKET WING, TEAM-IX,
CENTRAL CRIME BRANCH,
EGMORE, CHENNAI.
(CRIME NO.241 OF 2021)

[RESPONDENT]

For Petitioner : MR.JOHN SATHIYAN FOR M/S. D.LAKSHMIPATHY Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 02.04.2022 for the alleged offence under Sections 406, 420, 465, 468 r/w 34 IPC in Crime No.241 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the accused persons received a sum of Rs.1.07 crores from various persons on the false promise that they will get a Government Job for them. It is the petitioner, who had given the complaint and the law was set in motion based on the complaint given by the petitioner. However, during the course of investigation, a bail petition came to be filed by A2 before this Court and this Court, after going through the case diary, found that the petitioner is also involved in the job rocketing and he has acted as an Agent for the other accused persons. Accordingly, an order was passed on 10.03.2022 and pursuant to the same, the petitioner was made as an accused and was arrested and remanded to judicial custody.



3. Heard Mr. John Sathiyar for Mr. D. Lakshmi Pathy, learned counsel for the petitioner and Mr. S. Santhosh, learned Government Advocate (Crl. side) for the respondent.

4. The petitioner filed a bail petition before this Court in Crl.O.P.No.8597 of 2022. This Court, on considering the allegations and after taking into consideration the fact that the petitioner had also acted as an Agent to the other accused persons and that some of the accused persons are still absconding, was pleased to dismiss the bail petition by an order dated 28.04.2022.

5. This bail petition has been filed on the ground that subsequent to the dismissal of the bail petition filed by the petitioner, the respondent police issued summons under Section 41(A) of Cr.P.C to A6 and he appeared before the respondent police for enquiry and the respondent police did not choose to arrest him. The same happened even in the case of A1 and A4, who also attended the enquiry before the respondent police.

6. The learned counsel for the petitioner submitted that the respondent police has not chosen to arrest the main accused persons, who are involved in this case and whereas, the incarceration of the petitioner is being continued only due to the earlier order passed by this Court. The learned counsel further submitted that if really the petitioner had collected money from the other victims, the petitioner should have been taken on police custody, at least after he was arrested for the purpose of recovering the amount. This was also not done in the present case. Therefore, according to the learned counsel for the petitioner, no useful purpose will be served in keeping the petitioner behind bars and more particularly, the petitioner himself was a victim, who was cheated by the accused persons by receiving a sum of Rs.17 lakhs from the petitioner on the false promise of getting a Government job.

7. Per contra, the learned Government Advocate (Crl. side) submitted that there are absolutely no change in circumstance to entertain the present bail petition. It was also submitted that the investigation is yet to be completed, since some of the accused persons are still absconding and enlarging the petitioner on bail, at this stage, will tamper the investigation.

8. It is true that the petitioner was arrested pursuant to the order passed by this Court on 10.03.2022, wherein, this Court prima facie found that the petitioner has also collected money and handed over the same to the accused persons for getting Government job and thereby, the petitioner has also acted as an Agent to the accused persons. The subsequent allegation made against the petitioner is that he had collected a sum of Rs.9 lakhs from one Karthick and Dilipan and he had also introduced other victims to A1 and others and



a sum of Rs.31,75,000/- was collected from them, thereby, the petitioner had received a commission from the accused persons. If this allegation is taken to its logical end, A1, A4 and A6 ought to have been arrested when they attended for enquiry. The respondent police has chosen not to arrest these accused persons and statements have been collected from them by conducting an enquiry by issuing summons under Section 41(A) of Cr.P.C. Whereas, the incarceration of the petitioner continues and the petitioner has already suffered incarceration for nearly 43 days. There must be some purpose in keeping the petitioner behind bars and nothing will be achieved if the petitioner continues to be kept in incarceration. This is more so since the respondent police has not chosen to arrest the main accused persons, who had promised to secure Government job to the victims. As rightly contended by the learned counsel for the petitioner, the respondent police, not having arrested the other accused persons, who were called for an enquiry, will necessarily become a material factum to be considered by this Court while considering the present bail petition of the petitioner. It is the petitioner, who had set the law in motion, unfortunately, now suffering incarceration and the main accused persons have not been arrested in this case. This change in circumstance, certainly, requires the consideration by this Court while considering the present bail petition.

9. In view of the above discussion, this Court is inclined to enlarge the petitioner on bail by subjecting the petitioner to stringent conditions.

10. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned CCB and CBCID Metropolitan Magistrate, Egmore and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.



[e] On breach of any of the aforesaid conditions, the learned 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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

18/05/2022

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 CCB AND CBCID METROPOLITAN MAGISTRATE,
EGMORE.

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

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

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S D.LAKSHMIPATHY Advocate on payment of necessary charges SR.NO.7255

CRL OP.11382/2022

Date :18/05/2022

CSK 19/05/2022