



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.OP.No.12877 of 2022

S.Venkatesh

..Petitioner/A4

Vs.

The State rep by
The Inspector of Police,
Cyber Crime Wing 1,
O/o, Commissioner of Police,
No.132, EVK Sampath Road,
Vepery, Egmore, Chennai-7
crime No.358 of 2019

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.358 of 2019 pending investigation on the file of the respondent police.

For Petitioner : M/s.T.Nithya

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.04.2022 for the offence punishable under Section 409, 420 of IPC in crime No.358 of 2019 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the petitioner along with other accused persons collected money to the tune of Rs.1,02,50,000/-from 25 depositors to open demat account for customers on commercial basis for the purpose of transferring money, whereas the petitioner is the HR Manager of the company to train other employees. Hence, the case.



3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that A1 was running the company and the petitioner was only an employee under A1. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that there are totally 13 accused, in which the petitioner is arrayed as A4, who was working as HR Manager under A1. He would further submit that the accused persons collected Rs.1,02,50,000/-. Hence, he vehemently opposed to grant bail to the petitioner.

5. There are totally thirteen accused, in which the petitioner is arrayed as A4. He is working as HR Manager under the first accused. In fact, the first accused was granted anticipatory bail on condition that he shall deposit Rs.1,00,00,000/-. However, he failed to deposit and as such, the anticipatory bail granted to him was cancelled. That apart, the amount collected from their clients was for providing apps. Some of the accused persons were arrested and released on bail and some of the accused persons were granted anticipatory bail. As far as the petitioner is concerned, he was arrested and remanded to judicial custody on 23.04.2022.

6. Considering the above facts and circumstances of the case and the period of incarceration by the petitioner from the date of his arrest i.e. 23.04.2022, this Court is inclined to grant bail to the petitioner. 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, out of which one shall be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate-I at Alandur 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. and 05.30 p.m. for a period of four weeks and thereafter as and when required for interrogation

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

[d] the petitioner shall not tamper with evidence or witness 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 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].

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

-sd/-

09/06/2022

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,
NO.I, ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB JAIL, SAIDAPET.

4 THE INSPECTOR OF POLICE,
CYBER CRIME WING 1,
O/O.COMMISSIONER OF POLICE,
NO.132, EVK SAMPATH ROAD, VEPERY,
EGMORE, CHENNAI - 7.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.T.NITHYA Advocate on payment of necessary charges
SR.NO. 8693

CRL OP.12877/2022

Date :09/06/2022

RW-09/06/2022