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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM

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

Crl.OP.Nos.13277 & 13587 of 2022

Crl.OP.No.13277 of 2022

Sasikala

..Petitioner

Vs.

The State by,
The Inspector of Police,
CBCID, Metro Wing,
Egmore,
Chennai
CCB X Crime No.2 of 2021

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in CCB X Crime No.2 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.G.Pugazhenth

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

Crl.OP.No.13587 of 2022

S.Manikandan

..Petitioner

Vs.

State rep. by
Inspector of Police,
Crime Branch CID Police Station,
Metro Wing-II,
Egmore
Chennai
Crime No.2 of 2021

..Respondent



Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.2 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.Mannarsamy

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

COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 09.05.2022 for the offence punishable under Sections 465, 467, 468, 471, 420 of IPC in CCB X crime No.2 of 2021 on the file of the respondent police, seek bail.

2. It is the case of the prosecution that the complaint has been lodged by one, Dharaneeswaran, Deputy Director, O/o. Advocate General of Tamilnadu, High Court of Madras alleging that the accused persons created, forged the documents and committed cheating by issuing fake appointment orders in the name of the Office of Advocate General of Tamilnadu, High Court of Madras. On investigation, it was found that fake appointment orders were created and issued in the name of Registrar General of Madras High Court and the Office of Advocate General by using their signatures and seals. The specific allegation against the petitioners is that they entered into a criminal conspiracy with the main accused i.e. Surulivel and committed offence of forgery of documents and cheating by issuing fake appointment orders for the post of Magisterial Clerk in the name of Office of the Advocate General, Tamilnadu. Hence, the case.

3. Both the learned counsel appearing for the petitioners would submit that the petitioners are victims and they simply introduced the victims to the first accused who are being relatives and they have not collected single penny and whatever the amounts, they were paid directly to the first accused only and not received any money by the petitioners and prayed to grant bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that there are totally seven accused, in which the petitioners are arrayed as A5 and A7. Though the petitioners were victims at first, thereafter they induced other victims to join in the said post and thereby, they collected money from the victims and handed over to A1, for which they had commission. Hence, he vehemently opposed to grant bail to the petitioners.



5. The petitioners are arrayed as A5 and A7. There are totally seven accused. A1 and A6 are main culprits and collected money from several victims to get job in the High Court in the post of Magisterial Clerk in the Judiciary. In fact, they conducted interview in the corridor of the City Civil Court and fabricated appointment orders and served them. Due to covid 19, they were informed that they have no physical job and as such they were in their respective homes and received salary from A1. Thereafter, they found that the entire orders are fabricated and they have been cheated by A1 and A6. As far as the petitioners are concerned, they are arrayed as A5 and A7 and they are also victims. However, on instructions of A1, again A5 introduced other three persons and collected Rs.18 lakhs from three victims. The petitioner/A7 is concerned, he has introduced nine persons to A1 and collected Rs.8 lakhs each from the victims. In fact, A7 is the admin of one whats app group, in which created and added the victims and introduced the victims to the first accused. Even according to the case of the prosecution, the total amounts were collected from the victims and handed over to A1, for which they received commission of Rs.2,00,000/- from each victims.

6. Considering the above facts and circumstances of the case and also considering the period of incarceration by the petitioners, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) (each) with two blood related sureties, each for a like sum to the satisfaction of the Court of the CCB & CBCID Metropolitan Magistrate, Egmore, Chennai 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 petitioners shall report before the respondent police daily at 10.30 a.m. and 05.30 p.m. until further orders.

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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15/06/2022

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 CCB & CBCID METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI-8.

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

3 THE INSPECTOR OF POLICE,
CBCID, METRO WING,
EGMORE, CHENNAI.

4 THE INSPECTOR OF POLICE,
CRIME BRANCH CID POLICE STATION,
METRO WING-II, EGMORE, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
SPECIAL PRISON FOR WOMEN,
PUZHAL, CHENNAI.

7 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI.

+1 CC to M/S.G.PUGAZHENTHI Advocate on payment of necessary
charges SR.NO. 9099

+1 CC to M/S.B.MONOHARAN Advocate on payment of necessary
charges SR.NO. 9123

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Date :15/06/2022

RW-15/06/2022