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Crl.OP.No.19517 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2022

CORAM

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

Crl.OP.No.19517 of 2022

Essakki muthu

...Petitioner

Vs.

State rep by;
The Inspector of Police,
Central Crime Branch-II,
Chennai.

(In Crime No.38 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail, pending investigation in Crime
No.38 of 2022 on the file of the respondent police.

For Petitioner : Mr.T.Umamaheshwaran
For Respondent :Mr.A.Gopinath,
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.05.2022 for the offences punishable under Sections 465, 467, 471, 406 and 420 IPC in crime No.38 of 2022 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the petitioner joined with other accused and swindled money to the tune of Rs.7 lakhs from the *de-facto* complainant to allot the Tamil Nadu Housing Board houses. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent submitted that petitioner along with other accused persons had collected to the tune of Rs.2,47,20,000/- from 98 victims for getting allotment in the TNHB. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of his arrest i.e.17.05.2022, this Court is inclined to grant bail to the petitioner.



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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 **Judicial Magistrate Court – at Thiruvottiyur** 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 report before the respondent police twice daily at 10.30 a.m. and 5.30 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.

23.08.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate Court-at Thiruvottiyur.
- 2.The Inspector of Police,
Central Crime Branch-II,
Chennai.
- 3.Saidapet Sub-Prison,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras

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