



CrI.OP.No.20364 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2022

CORAM

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

CrI.OP.No.20364 of 2022

Esakkiyel Rajan

...Petitioner

Vs.

State represented by
Inspector of Police,
Central Crime Branch,
Chennai.
(Crime No.6 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.6 of 2022 on the file
of the Inspector of Police, Central Crime Branch, Chennai.

For Petitioner :Mr.M.Mohamed Riyaz

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

For Intervenor : Mr.A.Natarajan
for M/s.Madhumathi



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.07.2022 for the offences punishable under Sections **409, 420 and 120-B of IPC** in crime No.6 of 2022 on the file of the respondent police, seek bail.

2. There are totally six accused and the petitioner has been arrayed as A3. The case of the prosecution is that the petitioner along with other accused have collected a sum of Rs.5.46 Crores as commission and thereby cheated the defacto complainant. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is not named in the FIR. Even according to the prosecution, there is no specific overt act against the petitioner. The petitioner was present when A1 was arrested for the crime committed by him. He further submitted that there is no whisper about the petitioner's overt act in the FIR. Hence, he prays for grant of bail to the petitioner.



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4. The learned Senior Counsel for the Intervenor submitted that

so far, the accused persons had cheated the defacto complainant to the tune of Rs. 200 crores and their modus operandi is that they have shown demand draft for Rs.30 crores, for which, they received a commission for a sum of Rs.5.46 crores. He further submitted that, if the petitioner let out on bail, there is every possibility of tamper with evidence or witness. Hence, he vehemently opposed for grant of bail to the petitioner.

5. The learned Additional Public Prosecutor submitted that

though the petitioner is not named accused in the FIR, he only fabricated the demand draft to the tune of Rs.30 crores and induced the defacto complainant to pay the commission of Rs.504 crores. A1 and A2 already arrested and remanded to judicial custody. Hence, he opposed for grant of bail to the petitioner.

6. Admittedly, the petitioner was driver of the first accused and

he also present at the time of arrest along with A1. In fact, the petitioner was not named in the FIR. As far as, the first accused is concerned, the



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petitioner had been detained under goondas act and and as far as A4 to A6 are concerned, they are the mediators and they also received the commission amount. In respect of the petitioner, he did not received any commission.

7. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of their arrest i.e., 04.07.2022, this Court is inclined to grant bail to the petitioner.

8. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of **Rs.10,000/- (Rupees ten thousand only)** with **two blood related sureties**, each for a like sum to the satisfaction of the **learned Metropolitan Magistrate for Exclusive trial of CCB and CBCID Metro Cases, Egmore, Chennai** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb



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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 twice daily at 10.30 a.m. and 5.30 p.m.,until further orders.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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G.K.ILANTHIRAIYAN, J.

Sma

To

1. Metropolitan Magistrate for
Exclusive trial of CCB and CBCID Metro Cases,
Egmore, Chennai
2. Inspector of Police,
Central Crime Branch,
Chennai.
3. Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras

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