



CrI.O.P.No.5152 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

CrI.O.P.No.5152 of 2023

E.S.Murugan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Central Crime Branch (Cheating & Job Rocket),
Team 28,
E.V.R.Salai, Vepery,
Chennai 600 007.

(Crime No.260 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,

pleased to enlarge the petitioner/accused on bail, in connection with the

Crime No.260 of 2022, pending investigation on the file of the respondent

Police.

For Petitioner : Mr.M.Sundaramurthy

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.02.2023 for the offences punishable under Sections 406 and 420 of IPC r/w Sections 10 and 24 of Emigration Act, in Crime No.260 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Josephine Rayan is that the accused, in the guise of running an unauthorised manpower agency in the name and style of M/s. Greenways Enterprises, had induced her daughter for securing a job in Singapore and have received an amount of Rs.1,50,000/- and thereafter, cheated her. Hence the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the main allegations are attributed only against A1 and A1 has been arrested and later released on bail. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner is an associate of one Ramesh



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and he along with the said Ramesh had induced 43 persons, in the guise of securing job in abroad and thereby, they collected money to the tune of Rs.11 lakhs and thereafter, cheated them. He further submitted that during the search conducted in the house of the petitioner, 43 passports were recovered. He also submitted that A1/Ramesh has been granted bail on condition to deposit a sum of Rs.5 lakhs to the credit of crime number. Therefore, he opposed to grant bail to the petitioner.

5.In reply, the learned counsel for the petitioner submitted that the petitioner, without prejudice to his defense and contention, is ready and willing to deposit an amount of Rs.3,00,000/- to the credit of crime number and he is in judicial custody from 03.02.2023. Hence, he prays for grant of bail to the petitioner.

6.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel that the petitioner is



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prepared to deposit Rs.3,00,000/- to the credit of crime number and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on condition to make a deposit of **Rs.3,00,000/- (Rupees Three Lakhs only) to the credit of Crime No.260 of 2022**, without prejudice to his right and contention before the trial Court, on such deposit, 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 Special Judge for CCB & CBCID, 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 petitioner shall report before the respondent Police everyday at 5.30 p.m., until further orders;

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



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[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.

07.03.2023

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To

1. The special Judge for CCB and CBCID,
Egmore, Chennai.
2. The Inspector of Police,
Central Crime Branch (Cheating & Job Rocket),
Team 28, E.V.R.Salai, Vepery,
Chennai 600 007.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor, High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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