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Crl.O.P.No.5918 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2023

CORAM

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

Crl.O.P.No.5918 of 2023

Ravi

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Central Crime Branch - I,
Chennai.

(Crime No.38 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.38 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.K.Prabakar

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

For Intervener : Mr.K.R.Arun Shabari



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.02.2023, for the offences punishable under Sections 406, 420, 465, 468, 506(i) r/w 34 of IPC, in Crime No.38 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant, Muthulakshmi, is that one Hanifa/A3 is a known person to the de-facto complainant. The said A3, who had assured the de-facto complainant to get a Government Job for de-facto complainant's son, who has completed ITI course, had introduced the de-facto complainant to A1, who was a Government Servant, working as a ASO in Adhithiravidar & Tribal Welfare Department, formerly Personal Assistant to the Ex. Health Minister and A2, the driver of A1, stating that A1 could be able to get Government job for her son and the accused have received a sum of Rs.7,00,000/- totally from the de-facto complainant and her sister and cheated them. The further allegation is that when the de-facto complainant has demanded her money, the accused have threatened her with dire consequences. Hence the case.



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3. Mr.K.Prabakar, learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, who was working as an ASO in Adhithiravidar & Tribal Welfare Department, formerly Personal Assistant to the Ex. Health Minister and he has been falsely implicated in this case. He further submitted that there was some financial dispute between A2 and the de-facto complainant's family, due to which, they have lodged a false complaint implicating the petitioner. He further submitted that the second accused is the one, who has issued undated cheques to the de-facto complainant, whereas, the petitioner has been unnecessarily dragged in this case. He also submitted that the second accused, who is stated to have issued cheques to the de-facto complainant has been enlarged on bail by the learned Principal Sessions Judge in Crl.M.P.No.5697 of 2023 vide order dated 14.03.2023. He further submitted that the petitioner having one child, who is suffering from Autism and the petitioner has to take care of his child. He also submitted that the petitioner is in custody from 26.02.2023 and he is ready to abide by any stringent condition that may be imposed by this Court, therefore, he prayed to grant bail to the petitioner.



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4. The respondent has filed a detailed counter.

5. Mr.S.Sugendran, learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner, who was working as an ASO in Adhithiravidar & Tribal Welfare Department, formerly Personal Assistant to the Ex. Health Minister, along with other accused had induced the de-facto complainant on the promise of getting Government job to her son, had received a sum of Rs.7 lakhs from her and thereafter, cheated her and also threatened her with dire consequences. He also submitted that the investigation is at very nascent stage and the respondent have also anticipates several complaints against the accused. Therefore, he opposed for grant of bail to the petitioner.

6. Mr.K.R.Arun Shabari, learned counsel appearing for the Intervener submitted that the accused have not only cheated the de-facto complainant, they have also threatened them with dire consequences, when the de-facto complainant and her family have demanded their money back. He further submitted that since the petitioner is an influential person, if bail is granted to him, there is every possibility of him to interfere with the



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investigation and also to threaten the witnesses. Therefore, he vehemently opposed for grant of bail to the petitioner.

7. In reply, the learned counsel for the petitioner submitted that mobile phone of the petitioner has been recovered by the respondent and also submitted that the petitioner, in order to show his bonafide, without prejudice to his defense and contention, is ready and willing to deposit a sum of Rs.5 lakhs to the credit of crime number. Therefore, he prayed to grant bail to the petitioner.

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

9. Taking into consideration the facts and circumstances of the case, the submissions made by either side of the parties and also considering the fact that the petitioner is volunteered to deposit a sum of Rs.5 lakhs to the credit of crime number, this Court is inclined to grant bail to the petitioner with certain conditions.



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10. Accordingly, **the petitioner is directed to deposit a sum of Rs.5 lakhs to the credit of Crime No.38 of 2023**, without prejudice to his rights and contentions before the trial Court and 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**, for a like sum to the satisfaction of the **learned Metropolitan Magistrate for exclusive trial of CCB Cases (relating to cheating cases in Chennai) and CBCID Metro Cases, 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 10.30 a.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



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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.

17.03.2023

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To

1. The Metropolitan Magistrate for exclusive trial of CCB Cases
(relating to cheating cases in Chennai) and CBCID Metro Cases,
Egmore, Chennai.
2. The Inspector of Police,
Central Crime Branch - I,
Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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