

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2023

CORAM

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

Crl.O.P.No.6529 of 2023

Dhashinamurthy @ R.D.Murthy

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Job Racket Wing, Team 28,
Central Crime Branch,
Egmore, Chennai.

(Crime No.246 of 2021).

... 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.246 of 2021, pending on the file of respondent Police.

For Petitioner : Mr.D.Rajagopal

For Respondent : Mr.C.E.Pratap
Government Advocte (crl.side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.02.2023 for the offences punishable under Sections 406, 420, 465, 468 r/w 34 of IPC in Crime No.246 of 2021, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the defacto complainant Amutha is that the accused, on the false assurance of securing Government job, had received an amount of Rs.3,30,000/- from her and later, cheated her by giving fake appointment order. During the course of investigation, it came to light that the petitioner along with 8 other accused, in the guise of obtaining Government job, had received more than Rs.4 Crores and later cheated them. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the name of the petitioner does not find place in the First Information Report and during the course of the investigation, the name of the petitioner has also been implicated as if he has

received Rs.3,30,000/- from the defacto complainant. He would further submit that other than receiving money from the defacto complainant, there is no allegations as against the petitioner. He would also submit that the petitioner is in judicial custody from 14.02.2023 and hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with 8 other accused have induced several gullible victims, by giving promise and assurance that they could get Government job and received more than Rs.4 Crores and cheated them. He would submit that the investigation is still pending and as far as this petitioner is concerned, he has cheated one of the victim to the tune of Rs.3,30,000/-. Hence, he opposed for grant of bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner would submit that the petitioner, to show his bonafide, without prejudice to his defence and contention, is ready and willing to deposit a sum of Rs.2,00,000/- to the credit of Crime No.246 of 2021, before the Court concerned. Therefore, he prayed for grant of bail to the petitioner.

6.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record including the First Information Report.

7.Taking into consideration the facts and circumstances of the case, the submissions made by either side and also considering the fact that the petitioner is volunteered to deposit a sum of Rs.2,00,000/- to the credit of crime number, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is directed to **deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.246 of 2021 before the learned Magistrate concerned** 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**, each for a like sum to the satisfaction of the **learned Chief Judicial Magistrate for exclusive trial of CCB cases (Relating to cheating case 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 daily 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 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.

23.03.2023

vr

A.D.JAGADISH CHANDIRA.,J.

vk

To

1. The Chief Judicial Magistrate
for exclusive trial of CCB cases
(Relating to cheating case in Chennai)
and CBCID Metro cases, Egmore, Chennai.
2. The Inspector of Police,
Job Racket Wing, Team 28,
Central Crime Branch,
Egmore, Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

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