

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2023

CORAM

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

Crl.O.P.No.7336 of 2023

Stephen

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Velankanni,
Nagapattinam District.

Crime No.118 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.118 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.E.Sathiyaraj

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

ORDER

(This case has been heard through Video Conferencing)

The petitioner, who was arrested and remanded to judicial custody on 12.03.2023, for the offences punishable under Sections 417, 420, 120(B), 370 of IPC, in Crime No.118 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that both the de-facto complainant and the accused are Srilankan refugees. The accused, on the false promise of making illegal arrangements for the de-facto complainant to migrate from Velankanni to New Zealand through fishing boat, have obtained a sum of Rs.2 lakhs from him, for the cost of illegal transport and cheated them. Further during investigation it came to light that the accused have also cheated several other victims to the tune of Rs.17,00,000. Hence the case.

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 petitioner and the de-facto complainant both are the Srilankan refugees and there was a financial dispute between them, due to which, the de-facto complainant has lodged a false complaint as

against the petitioner and others. He further submitted that the petitioner is in judicial custody from 12.03.2023. He also submitted that he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the de-facto complainant and the accused are Srilankan refugees staying at Srilankan Refugee Camps located at different locations. He further submitted that the petitioner (A4) along with other accused have induced the de-facto complainant and others, who are the Srilankan refugees, that they would be able to arrange for an illegal immigration to New Zealand through fishing boats and had obtained several lakhs and cheated them. He further submitted that as far as this case is concerned, the accused have received amounts to the tune of Rs.17,00,000/- from the defacto complainant to the victim and cheated them. Hence, he opposed for grant of bail to the petitioner.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (crl.side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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**, for a like sum to the satisfaction of the **learned Judicial Magistrate, Velankanni** 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 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.

17.04.2023

smn

To

1. The **Judicial Magistrate, Velankanni**

2. The Inspector of Police,
Velankanni,
Nagapattinam District.

3. The Central Prison,
Puzhal, Chennai.

4. The Public Prosecutor,
High Court of Madras.

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A.D.JAGADISH CHANDIRA.,J.

smn

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