



CrI.OP.No.8634 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.05.2023

CORAM

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

CrI.OP.No.8634 of 2023

Prasanna Kumar

... Petitioner/ A1

Vs.

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

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No. 12 of 2023 pending investigation on the file of the respondent police.

For Petitioner : Mr.N.Balaji

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.02.2023 for the offence punishable under Sections 406, 420, 506(1) and 120(B) of IPC in Crime No.12 of 2023 on the file of the respondent police, seeks bail

2. The case of the prosecution is that the petitioner along with other accused had cheated the defacto complainant, on the false promise of getting a job. 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 further submitted that he is ready and willing to return back the money to the defacto complainant. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there are totally three accused, in which, the petitioner is arrayed as A1.



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The petitioner along with other accused had received totally a sum of Rs.59,77,000- from the defacto complainant on false promise that they will secure job in MTC as an apprentice or AE and thereafter failed to secure the job and not returned the money to the defacto complainant. Hence, he vehemently opposed to grant bail to the petitioner.

5. Taking into consideration the facts of the case and the submissions made by the learned counsels and also taking note of the fact that the petitioner has come forward to pay a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the defacto complainant, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to pay a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) directly to the defacto complainant and on such payment and production of acknowledgment, 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 Metropolitan Magistrate



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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] petitioner shall pay a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) directly to the defacto complainant.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. and 05.30 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]**.



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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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,
Job Racket Wing, Team-28,
Central Crime Branch,
Egmore, Chennai.
- 3.The Superintendent, Central Prison, Puzhal.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai



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G.K.ILANTHIRAIYAN, J.

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