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Crl.OP.No.10327 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2023

CORAM

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

Crl.O.P.No.10327 of 2023

Somasundaram

..Petitioner

Vs.

The State Represented by
The Inspector of Police,
Central Crime Branch-I, Team-V (Forgery wing),
Vepery, Chennai.
(Crime No.140 of 2022)

..Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.140 of 2022 on the file of
the respondent Police.

For Petitioner	: Mr.M.Guruprasad for Mr.P.Rajkumar Pandian
For Respondent	: Mr.A.Damodaran Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on
10.03.2023 for the offence punishable under Sections 420, 465, 468, 471 r/w
Sections 34 and 120(B) of IPC, in Crime No.140 of 2022 on the file of the
respondent police, seeks bail.



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2. The case of the prosecution is that the petitioner along with other accused namely Najimuddin, Zahir Hussain and Sahul had forged bills of entry in connivance with officials of Indus Ind Bank, as if the import was taken place during the year 2011 to 2014 and through such dubious transactions the accused had swindled the money. Hence, the present case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case and he is no way connected with the offence as alleged by the prosecution. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that there are totally 17 accused, in which the petitioner is arrayed as A4. The petitioner along with other accused had forged bills of entry in connivance with officials of Indus Ind Bank, as if the import was taken place during the year 2011 to 2014 and through such dubious transactions the accused had swindled the money. Hence, he vehemently opposed to grant bail to the petitioner.



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5. Considering the above facts and circumstances of the case, and also considering the period of incarceration undergone by the petitioner from 10.03.2023, this Court is inclined to grant bail to the petitioner.

6. 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**, each for a like sum to the satisfaction of the Metropolitan Magistrate Court, for exclusive trial of CCB and CBCID 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., and 05.00 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.



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[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 absconds, a fresh FIR can be registered under Section 229A IPC.

05.05.2023

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To

- 1.The Metropolitan Magistrate Court, for exclusive trial of CCB and CBCID cases, Egmore, Chennai.
2. The Inspector of Police,
Central Crime Branch-I, Team-V (Forgery wing),
Vepery, Chennai.
3. The Central Prison,
Puzhal.
- 4.The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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