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Crl.O.P.No.11246 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2023

CORAM

THE HONOURABLE MR. JUSTICE A.A. NAKKIRAN

Crl.O.P.No.11246 of 2023

1.Suresh

2.Srinivasan

... Petitioners

Vs.

State represented by,
The Inspector of Police,
District Crime Branch,
Villupuram,
Villupuram District.
(Crime No.20 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners on bail, in Crime No.20 of 2023, on the file
of the respondent police.

For Petitioners : Mr.K.G.Senthilkumar

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 07.04.2023, in connection with Crime No.20 of 2023 registered for the offence punishable under Sections 406, 420, 468, 471 & 120(b) of IPC, seek bail.

2.The case of the prosecution is that the petitioners along with other accused persons alleged to have cheated the defacto complainant and others by receiving cash of Rs.46 lakhs on the false pretext of securing Government job. Hence, the case.

3.Learned counsel for the petitioners submitted that the petitioners are innocent persons and they are the employees of A1 who are working in the same company and the petitioners herein had introduced A1 who in turn had received the entire amount through his bank account number on various dates and sent the appointment order. Since all are affected, the defacto complainant joined hands with the six other affected persons and roped the petitioners into the issue and made as an accused, except this, the petitioners are no way connected with the alleged offence and they are in judicial



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custody for the past 40 days. He further submits that the petitioner 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.The learned Additional Public Prosecutor appearing for the respondent submitted that there are totally five accused in this case and the petitioners herein are arrayed as A2 and A3. He further submits that the petitioners along with other accused persons alleged to have cheated the defacto complainant and others by receiving cash of Rs.46 lakhs on the false pretext of securing Government job. He further submitted that the petitioners herein have received a sum of Rs.6 lakhs from the public and issued bogus appointment order and cheated the public. He further submits that the total sum of Rs.45 lakhs have been received from all the accused and A4 was absconding. However, he opposed for grant of bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in incarceration for the past 40 days and also taking note of the fact that the petitioner without prejudice to his right, he is ready to deposit a sum of Rs.1 lakhs to the credit of crime



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number, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioners shall deposit a sum of Rs.1 lakhs (Rupees one lakh only) each, to the credit of crime number 20 of 2023 and on such deposit, the petitioners are ordered to be released on bail on their executing separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only) each** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No-I, Tindivanam**, 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;



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

17.05.2023

drl

To

1. The Judicial Magistrate No-I,
Tindivanam.
2. The Inspector of Police,
District Crime Branch,
Villupuram,
Villupuram District.
3. The Superintendent, Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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A.A.NAKKIRAN, J.

drl

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