



Crl.O.P.No.16052 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.08.2023

CORAM:

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

Crl.O.P.No.16052 of 2023

and

Crl.MP.No.10790 of 2023

B.Snehashish Mukherjee

... Petitioner

/versus/

The State rep.by
The Inspector of Police,
Central Crime Branch
Tiruppur.
(Crime No.2 of 2022)

.. Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, praying to enlarge the petitioner on bail pending investigation in Crime No.2 of 2022 on the file of the Inspector of Police, Central Crime Branch, Tiruppur.

For petitioner : Mr.Sankara Subbu
for P.Thinesh

For Respondent : Mr.S.Balaji,
Government Advocate (Crl.Side)

For Intervenor : Mr.A.Nagarajan



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 13.05.2023, in connection with Crime No.2 of 2022 registered for the offences under Sections 120(b), 467, 468, 471, 420, 511 of IPC and 66D of Information Technology Act on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner who is the first accused in this case had conspired with the other accused and induced the defacto complaint on the false promise of supplying nitrile gloves and had received an amount of Rs.4 Crores and above and had cheated the defacto complainant. Hence the case.

3.Learned counsel appearing for the petitioner would submit that this is second application for bail. He would submit that the petitioner was arrested by the respondent police on 13.05.2023 and he is in custody for more than 83 days. The earlier application for bail in Crl.OP.No.14015 of 2023 was dismissed on 27.06.2023, since it was



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stated that the investigation was pending. He would submit that the investigation has now been completed and the final report has been filed before the Chief Judicial Magistrate Court, Tiruppur and thereby, he would seek for bail.

4. The learned Government Advocate (Crl.Side) would submit that it is a case of cheating the defacto complainant to the tune of more than Rs.4 Crores. During the Covid-19 pandemic period, the defacto complainant was searching for suppliers of nitrile gloves for export abroad and finding that the defacto complainant was need of nitrile gloves in huge quantities, the accused had with an intention to cheat the defacto complainant had conspired with the other accused and on the assurance of supplying nitrile gloves had received moneys for more than Rs.4 Crores by way of bank transaction and later had cheated the defacto complainant by not supplying the gloves. He would further submit that there are four accused in this case and that the petitioner is the main accused who has received the entire amount through his account and his wife's bank account and later had transferred the amounts to various amounts. He would further submit that during the course of investigation,



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the mobile phone of the petitioner has been recovered, wherein, the respondent had found that the sample signature of of Mr.Ajith Doval, the National Security Advisor and the emblem of the Home Ministry in the Phone. He would further submit that the petitioner apart from cheating the defacto complainant has also cheated two other persons in similar manner. He is a habitual offender against whom, there are two previous cases registered by the Inspector of Police, Vidhan Nagar South, Kolkatta in Cr.No.7 of 2018 for the offences punishable under Sections 406, 420 and 120B IPC and yet another case registered in Cr.No.19 of 2018 by the Inspector of Police, Jorassenko, West Bengal and both the cases are pending trial before the Courts in Kolkatta. He would further submit that though the investigation has been completed, the petitioner is a native of West Bengal and there is a flight risk and possibility of the petitioner escaping from the clutches of law and thereby, he would oppose for grant of bail.

5. The learned counsel for the Intervenor would submit that it is a case of larger scale cheating. The Intervenor/defacto complainant is business man in Tiruppur and the accused had induced him and on the



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representation that he would supplying nitrile gloves had received an amount of Rs.4 Crores in the bank accounts and he had cheated the defacto complainant. He would further submit that the petitioner in the guise of settling the amount, had called the intervenor/defacto complainant to come to Kolkatta and when he had gone to Kolkatta, the petitioner had given a false complaint against the defacto complainant before the local police as if the defacto complainant had threatened him with arms. Based on the false complaint by the petitioner, the defacto complainant was detained by the Kolkatta Police and later, after verification, they found that the allegations of the petitioner were false. Immediately, on the next day, the petitioner has also preferred a complaint under Section 156(3) of Cr.P.C and got a case registered against the petitioner and once again, the defacto complainant was taken to custody by the local police, however, due to the intervention of Station House Officer, the petitioner was not remanded. He would further submit that the defacto complainant understands that the petitioner is an highly influential person and if the petitioner is granted bail, there is every possibility of him escaping from the clutches of law. He would also submit that on verification with the bankers, the defacto complainant also



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came to know that the petitioner had siphoned of the money and transferred huge amounts to the accounts of his wife and his relatives and he has also transferred the money to the various other accounts, so as to avoid recovery of money by the police. He would also submit that the petitioner had also threatened the defacto complainant by using the names of important dignitaries.

6. By way of reply, the learned counsel for the petitioner would submit that the petitioner has strong roots in the society and a case of business transaction has been falsely projected as a case of cheating. He would further submit that the petitioner's father who is a veteran from the Armed Forces has also been implicated as an accused in this case. The petitioner without prejudice his defence in-order-to show his bonafide has filed an affidavit from prison before this Court undertaking to deposit a sum of Rs.50,00,000/- (Rupees Fifty Lakhs only) to the credit of Cr.No.2 of 2022 at the time of furnishing sureties and the petitioner has no objection in the amount being disbursed to the defacto complainant. He would submit that only after the petitioner comes out on bail, he has to make arrangements to settle the balance amount to the



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defacto complainant and the petitioner is ready to sit with the defacto complainant and re-conciliate and settle the balance amount within a period of six months and he is also ready to compound the case. He would submit that the investigation has also been completed and further custody of the petitioner may not be required and he is ready to furnish adequate security for his release on bail and his close relatives are also ready to offer surety to him. He would further submit that the petitioner's passport is at Kolkatta and within three weeks from the date of release on bail he is ready to deposit his passport before the concerned Court.

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

8. Taking into consideration the facts and circumstances of the case and the antecedents of the petitioner, this Court would not have granted bail to the petitioner. However, taking note of the submission made by the learned counsel for the petitioner that the petitioner is ready to settle the amount and also ready to compound the matter and that he



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is ready and willing to deposit a sum of Rs.50,00,000/- to the credit of Cr.No.2 of 2022 at the time of furnishing sureties to show his bonafides, this Court is inclined to grant bail to the petitioner with certain conditions.

9. Accordingly, the petitioner shall deposit a sum of **Rs.5,00,000/- (Rupees Five lakhs only)** to the credit of Crime.No.2 of 2022 and on such deposit and production of proof, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, (out of which, one shall be a blood related surety), for a like sum to the satisfaction of the **learned Judicial Magistrate-I, Tiruppur** 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 on coming out of bail, within one week shall file an affidavit regarding the schedule of settling the balance amounts to the**



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defacto complainant;

[c] the petitioner shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter appear before the learned Chief Judicial Magistrate on all hearing dates.

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] 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]***;

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

Consequently, connected miscellaneous petition is closed.

08.08.2023

Vv

To

1. The Judicial Magistrate -I,

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Tiruppur.

2. The Inspector of Police,
Central Crime Branch
Tiruppur.

3. The Central Prison,
Coimbatore.

4. The Public Prosecutor,
High Court, Madras.

A.D.JAGADISH CHANDIRA,J.



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Vv

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and
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and Crl.M.P.No.10790 of 2023

A.D.JAGADISH CHANDIRA, J.

At the instance of the learned counsel for both the petitioner and the intervenor, this Criminal Original Petition is listed today under the caption “for being mentioned”.

2. This Court, by an order dated 08.08.2023, has granted bail to the petitioner. However, clerical errors have been crept in the paragraph 9 of the order. Accordingly, the said clerical errors are rectified and the paragraph 9 of the order shall be read as follows:

"9. Accordingly, the petitioner shall deposit a sum of **Rs.50,00,000/- (Rupees Fifty lakhs only)** to the credit of **Crime.No.2 of 2022**, without prejudice to his rights and contentions before the Court concerned and on such deposit and production of proof, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties, (out of which, one shall be a blood related surety viz., Subhajit Mukherjee (Nephew of the petitioner))**, for a like sum to the satisfaction of the **learned Judicial Magistrate-III, Tiruppur** and on further conditions that:



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[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 after coming out of bail, shall file an Affidavit, within a period of one week, regarding the schedule of settling the balance amount to the *de facto* complainant;

[c] the petitioner after coming out of bail, shall surrender his passport within a period of two weeks before the Court concerned;

[d] the petitioner shall report before the respondent Police every day at 10.30 a.m., for a period of two weeks and thereafter, appear before the learned Chief Judicial Magistrate, Tiruppur, on all hearing dates without fail;

[e] the petitioner shall not abscond either during investigation or trial;

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[g] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is



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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]***;

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

Consequently, connected miscellaneous petition is closed. Further, the learned Magistrate is directed to disburse the amount deposited by the petitioner to the *de facto* complainant, after issuance of notice and proper identification and acknowledgement."

10.08.2023

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Note: Issue fresh order copy today (10.08.2023).



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A.D.JAGADISH CHANDIRA, J.

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To

1. The Chief Judicial Magistrate,
Tiruppur.
2. The Judicial Magistrate - III,
Tiruppur.
3. The Inspector of Police,
Central Crime Branch
Tiruppur.
4. The Central Prison,
Coimbatore.
5. The Public Prosecutor,
High Court of Madras.

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and

Crl.M.P.No.10790 of 2023

10.08.2023