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Crl.O.P.No. 27027 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.27027 of 2023

And

Crl.M.P.No. 19268 of 2023

Suresh

... Petitioner/Accused No.2

Vs.

The Inspector of Police,
District Crime Branch,
Ranipet District.

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.266 of 2023 pending on
the file of the respondent Police.

For Petitioner : M/s. S.Deepika

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Crl.Side)

ORDER

Amendment Petition in Crl.M.P.No. 19268 of 2023 is allowed.



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2. Registry is directed to carry out amendment in the main Petition.

3. The petitioner/A2, who was arrested and remanded to judicial custody on 16.10.2023, registered by the respondent Police for the offences under Sections 294(b), 406, 417, 468, 420, 471, 506(i) of IPC in Crime No.266 of 2023, seeks bail.

4. It is the case of the prosecution that the accused Nos. 1 and 2 had offered job in the Railways to the son of the defacto complainant and had received a total sum of Rs.6,50,000/- with respect to this petitioner herein. It is specifically stated that the petitioner had received a sum of Rs.2,00,000/- lakhs by way of a cheque and another sum of Rs.2,00,000/- by way of cash. It is also stated that the first accused had received a sum of Rs.2,50,000/- by way of cash in his house.

5. The learned Government Advocate (Crl.Side) would submit that further complaints have emanated and they have received complaints that the



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two accused have totally received more than about Rs.69,00,000/- from various individuals promising employment. Though that fact is mentioned in the order of the learned Principal Sessions Judge, the primary aspect as seen in the order denying bail by the learned Principal Sessions Judge revolved around the claim of defacto complainant that he had paid a sum of Rs.6,50,000/- on various dates till 08.08.2019.

6. The one factor which this Court has to consider is that the petitioner would be entitled for statutory bail within a few days and admittedly, the charge sheet would not be filed by that date as investigation now has to expand not only into the complaint given by the defacto complainant but also on the wider scope of the complaints received from others about similar offers for job and monies taken by the accused amounting to Rs.69,00,000/-. It is on that ground, investigation could not be completed within the period stipulated.

7. At any rate, taking into consideration all the factors and that also the primary factor, this Court is inclined to grant bail to the petitioner with certain conditions.



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8. Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 District Munsif cum Judicial Magistrate No.1, Walajahpet, 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 deposit cash of Rs.2,00,000/- to the credit of Crime No.266 of 2023 and the learned District Munsif cum Judicial Magistrate No.1, Walajahpet, may transfer that amount in an interest earning account and pass final orders on conclusion of trial;

[c] the petitioner shall report before the respondent police, everyday at 10.30 a.m., until further orders.

[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.



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

08.12.2023

vsg

To

1. District Munsif cum Judicial Magistrate No.1, Walajahpet.
2. The Inspector of Police,
District Crime Branch,
Ranipet District.
3. The Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN, J.

vsg

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