



Crl.O.P.No.12359 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.05.2024

CORAM

THE HON'BLE MR. JUSTICE C.SARAVANAN

Crl.O.P.No.12359 of 2024

G.Arunsathish

... Petitioner/Accused

Vs.

The State represented by,
The Inspector of Police,
R5 Virugambakkam Police Station,
Koyambedu, Chennai.

(Crime No.81 of 2024).

... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, pending investigation in Crime
No.81 of 2024, on the file of the respondent Police.

For Petitioner : Mr.C.Iyyappa Raj

For Respondent : Mr.R.Vinothraja,
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.04.2024, is the first accused for the offences punishable under Sections 294(b), 406 and 420 of IPC, in Crime No.81 of 2024, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is the sole accused in crime No.81/2024 before the respondent. The petitioner received a sum of Rs.32,00,000/- both from the defacto complainant and one Rincy on the pretext of securing job for them abroad but neither of them were made any placement. However, it is noticed that the FIR, that was filed against the petitioner in Crime No.81 of 2024 dated 17.02.2024, that the due amount is Rs.23,00,000/-. Interim bail orders, that were passed by the XXIII Metropolitan Magistrate Court, Saidapet, on various dates indicate that the petitioner has paid a sum of Rs.15,00,000/- in all to both the defacto complainant and one Rincy.



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3. According to the prosecution, the amount due from the petitioner is Rs.17,00,000/- whereas according to the petitioner, the amount has been paid in good faith and that only a sum of Rs.8,00,000/- is due on the petitioner. It is further submitted that both the prosecution and the defacto complainant cannot probate and reprobate the amount that is allegedly paid by the petitioner.

4. Learned counsel for the defacto complainant would submit that this petition for bail is liable to be rejected as the petitioner has not only duped the defacto complainant and one Rincy but also 30 other gullible youths, promising them employment abroad. That apart, it is submitted that a sum of Rs.17,00,000/- is due as on date, which had been ordered by the lower court while granting interim Bail to the petitioner.

5. Learned counsel appearing for the petitioner submitted that the petitioner was merely a broker and the amount was directly paid by the defacto complainant and Rincy to the agent who promised to get them employment abroad. He also submitted that the petitioner is in custody from



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25.04.2024 and he is also ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

5. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that accused is the sole accused in crime No.81/2024 before the respondent. The accused violated his own undertaking made before the lower court and hence, he opposed for grant of bail to the petitioner.

6. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel for the petitioner, learned counsel for the defacto complainant and the learned Government Advocate Criminal Side, this Court is of the view that this is a fit case for granting bail to the petitioner subject to petitioner paying a further sum of Rs.5,00,000/- each to the defacto complainant and one Rincy, as mentioned in the interim



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bail order dated 25.4.2024, 10.05.2024 and 15.05.2024 by the lower court.

The first instalment of Payment of 50,000/-, each to the defacto complainant and to one Rincy, shall be made within 10 days from today, the second instalment of payment of Rs.2,25,000/- , each to the defacto complainant and to one Rincy, shall be made within a period of 20 days thereafter from the date of payment of the first instalment, and the third instalment of payment of the balance amount of Rs.2,25,000/-, each to the defacto complainant and to one Rincy, shall be made within a period of 30 days thereafter from the date of payment of the second instalment, **to the credit of crime number No.81 of 2024 before the Court concerned to secure the interest of the defacto complainant and one Rincy, without prejudice to his defence and contention, with certain conditions.**

8. Respondent is at liberty to secure the presence of the petitioner for further investigation. The petitioner's passport shall be handed over to the respondent police immediately.

9. Accordingly, the petitioner is directed to deposit a sum of Rs.5,00,000/- each to the defacto complainant and one Rincy, as mentioned



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in the interim bail order dated 25.4.2024, 10.05.2024 and 15.05.2024 by the lower court. The first instalment of Payment of 50,000/-, each to the defacto complainant and to one Rincy, shall be made within 10 days from today, the second instalment of payment of Rs.2,25,000/-, each to the defacto complainant and to one Rincy, shall be made within a period of 20 days thereafter from the date of payment of the first instalment, and the third instalment of payment of the balance amount of Rs.2,25,000/-, each to the defacto complainant and to one Rincy, shall be made within a period of 30 days thereafter from the date of payment of the second instalment, **to the credit of crime number No.81 of 2024 before the Court concerned to secure the interest of the defacto complainant and one Rincy, without prejudice to his defence and contention** and on such deposit, 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 XXIII Metropolitan Magistrate, Saidapet**, 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



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Bank pass Book to ensure their identity;

[b] the petitioner shall report before respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation;

[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]***;

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

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Note:

1.Registry is directed to forthwith upload this order in the official website of this Court.

2.All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.

To

1. The XXIII Metropolitan Magistrate,
Saidapet.
2. The Inspector of Police,
R5 Virugambakkam Police Station,
Koyambedu, Chennai.
3. The Sub-Jail,
Saidapet.
4. The Public Prosecutor,
High Court of Madras.



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C.SARAVANAN.,J.

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