



CRL O.P. No.23168 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.23168 of 2024

Raja

... Petitioner / Accused - 4

Vs

State rep. by
The Inspector of Police,
Job Racket Team,
CCB Avadi Commissionerate,
Avadi, Chennai – 600 054.

(Crime No.166 of 2019)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.166 of 2019 on the file of the respondent police.

For Petitioner : Mr.V.Ayyapparaja

For Respondent : Mr.S.Vinothkumar
Government Advocate
(Criminal Side)



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 10.08.2024, for the offences punishable under Sections 419 and 420 of IPC r/w Section 34 of IPC, in Crime No.166 of 2019, on the file of the respondent seeks bail.

2.It is the case of the prosecution that A1 along with the other accused approached the defacto complainant and promised that they would obtain Government job for her brother, as if A1 is the close relative of Vice President of India and shown some photos in that regard. Believing the words of the accused, the defacto complainant initially handed over a sum of Rs.3,00,000/- and thereafter, the accused persons demanded Rs.15,00,000/- for obtaining job by stating that A3, who was introduced by A1, as an IAS officer and Personal Assistant to the Governor. Hence, the defacto complainant handed over another sum of Rs.10,00,000/- to the accused by pledging her jewels. Thereafter, the accused neither secured any job nor returned the money and thereby cheated the defacto complainant. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner has nothing to do with the alleged offence committed by A1 to A3 and only based on a confession statement of the co-accused, the petitioner has been implicated in this case. He would further submit that the petitioner has been in custody from 10.08.2024. He would also submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner along with the other accused, in the guise of obtaining Government Job for the defacto complainant's brother, by projecting themselves as close relatives of Vice President and Personal Assistant to Governor, received Rs.13,00,000/- from the defacto complainant and thereafter, they neither secured any job nor returned the money. He would further submit that investigation has been completed and charge sheet has also been filed. However, he vehemently opposed to grant bail to the petitioner.



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5. Heard both side learned counsel and perused the materials available on record.

6. Considering that investigation has been completed and charge sheet has also been filed and that the petitioner was arrayed as an accused only based on the confession statement of the co-accused and also considering the number of days of incarceration undergone by the petitioner and all other aspects, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] 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 **Judicial Magistrate I, Poonamallee**, and on further conditions that;

[b] the Petitioner shall report before the jurisdictional Judicial Magistrate on all working days at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation.

[c] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;



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[d] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

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

[f] On breach of any of the aforesaid conditions, the learned Judicial 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]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

20.09.2024

ata

To

1.The Judicial Magistrate I, Poonamallee.

2.Central Prison, Puzhal.

2.The Inspector of Police,
Job Racket Team,
CCB Avadi Commissionerate,
Avadi, Chennai – 600 054.

3.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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