IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.12.2024

CORAM

The Hon`ble Mr.Justice P.DHANABAL

CRL OP.No.31085 of 2024

N. Rajamohan ... Petitioner /Accused-5

Vs

State rep. by:-
The Inspector of Police,
Central Crime Branch-1,
Chennai. ... Respondent
[Cr. No.134 of 2024]

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioner/Accused-5 in Crime No.134 of 2024 on the file of the respondent police.

For Petitioner : Mr. Surya Prakash

For Intervener: Mr. K. Karuppaiya Moopanar

For Respondent : Mr. S. Balaji,
Government Advocate
(Criminal side).

ORDER

The petitioner / Accused, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 406, 420, 465, 468, 471 r/w 120-B and 34 of IPC in connection with the Cr. No.134 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that A3 Arivazhangan approached the defacto complainant and stated that he was working in a Peace Scouts and Guides (PSG), India Organization which was aided by Central Government at Tamil Nadu and further stated that there are so many job vacancies available in the said company and demanded a sum of Rs.6.5 lakhs for securing the job and the defacto complainant gave a sum of Rs.6.65 lakhs on various dates to the A3's account during 2023 and on 30.09.2023, the defacto complainant received appointment order from the PSG, India Valasaravakkam through post office. Thereafter the company was closed and the accused cheated the defacto complainant. Hence the case.

3. The learned counsel for the petitioner would contend that the respondent police have registered a false case against the petitioner and others for the offences under Sections 406, 420, 465, 468, 471 r/w 120-B and 34 of IPC. As per the prosecution case, one Vimal and some other

persons jointly doing business in the name and style of Empsource Pvt. Ltd., and they get job in State and Central Government and their aided companies for unemployed graduates and received huge money from various persons and cheated them. For the above said acts of the said Vimal, the complaint was lodged. Based on the complaint, the respondent police found that this petitioner is also involved in the above offences, since introduced many number of persons and received money from them. Therefore, the above said case has been registered. In fact, the petitioner is an innocent and he has not committed any offence as alleged in the FIR. After completing his studies, the petitioner was working in an advertising company in Chennai in the year 2015. At that time, the said Vimal introduced some other persons and after that, he came out from the above job and searching for a new job in the year 2016. Thereafter, unfortunately he again approached the said Vimal for employment. Thereafter, he joined the company and he introduced many number of persons to the above said company. But the said Vimal, directed the petitioner to collect money from the persons and deposit the same into his account. He only acted as per the direction of the said

Vimal. Thereafter, the said Vimal cheated the amount collected from the public. Hence the petitioner is nothing to do with the commission of offences as alleged in the FIR. The earlier anticipatory bail application was dismissed and he is ready to abide by any condition imposed by this Court and hence prayed to grant anticipatory bail to the petitioner.

4. The learned counsel appearing for the intervener / defacto complainant would submit that the petitioner and the other accused approached the defacto complainant for joining in the accused organization and received a sum of Rs.6,65,000/- and issued question paper and instructed to write the examination and he also sent the answer sheet to the mail ID and also they declared the result as pass and thereafter, they issued a letter dated 30.09.2023 signed by A4 and training was also conducted at Aanaikatti by the organization by collecting Rs.15,000/- from the defacto complainant, but due to her ill health, she was unable to participate in the training and thereafter a mail was received from A2 for verification of documents and opening of salary account. Thereafter, she came to know that the petitioner and other accused have jointly cheated the defacto complainant and received

a sum of Rs.6,65,000/- from the defacto complainant and issued a fake offer letter. The petitioner and others cheated in the name of job rocketing for more than 50 candidates and therefore, prayed to dismiss the anticipatory bail petition.

5. The learned Government Advocate (Criminal Side) would submit that A3 in this case informed to the defacto complainant that he was working in a Peace Scouts and Guides (PSG), India organization, which was aided by Central Government and there are many job vacancies available and demanded Rs.6.65 lakhs for securing the job of District Organization Commissioner and believing his words, the defacto complainant paid the said amount of Rs.6.65 lakhs during 2023. On 30.09.2023, the defacto complainant received an appointment order from the PSG, India Valasaravakkam through post office. The said company was closed, thereby the defacto complainant was cheated by the accused. Based on the complaint, FIR was registered. On investigation, the above said PSG, India Limited is not registered under the Ministry of Youth Affairs & Sports Department of Youth Affairs. All the accused joined together and cheated so many people. The specific overt act attributed as

against the petitioner is that he joined in the organization on 15.05.2022 as Regional Commissioner. During his tenure, he introduced 42 job seekers to the organization for the purpose of getting commission from the organization and he collected a sum of Rs.1.5 crores through bank and handcash. All the accused colluded together and issued uniform and fake ID cards as it was given by Ministry of Youth Affairs and Sports, Government of India. Already the co-accused A1, A3, A6, A7 and A9 were arrested on 09.09.2024 and remanded into judicial custody and they released on bail on 08.11.2024. Investigation is at preliminary stage and offences are grave in nature. Therefore, this Court dismissed the earlier anticipatory bail application through order dated 19.09.2024. There are no any change in circumstances and totally, Rs.4.7 crores is involved in this case and more 87 complaints were received as against the accused. Therefore, he strongly opposed to grant anticipatory bail to the petitioner.

6. Heard both sides and perused the materials available on record.

7. Considering the rival submissions on either side, considering the fact that investigation is not yet completed, huge money is involved in this case and considering the grave nature of offences, this Court is

declined to grant anticipatory bail to the petitioner at this stage.

8. In the result, this Criminal Original Petition is dismissed.

18.12.2024
[4/4]

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To

1. The Public Prosecutor, High Court, Madras.
2. The Inspector of Police, Central Crime Branch-1, Chennai.

P.DHANABAL,J

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CRL O.P. No.31085 of 2024

18.12.2024
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