

IN THE COURT OF SESSIONS AT CHENNAI

Present: **Thiru.R.Selvakumar, B.A., M.L.,**
Principal Sessions Judge
Friday, the 24th day of September, 2021.

Crl.M.P.Nos.10231 and 10401 / 2021

and

Crl.M.P.No.16835 and 16836 / 2021

(Intervene petitions)

in

CCB Cr.No.40/2021

1. Selvakumar
2. M.Vinotha

.. Petitioners in
Crl.M.P.No.10231/2021 / Accused

Poornima

.. Petitioner in
Crl.M.P.No.10401/2021 / Accused

Vs.

State Rep. by
The Inspector of Police,
CCB, Vepery,
Chennai.

..Respondent/Complainant.
in all the petitions.

This petition is coming on this day before me for hearing, upon hearing the counsel for the petitioners M/s.J.Franklin and S.Karthick and CPP for respondent and of M/s.Sudha Ramalingam, D.Ramalingam, Akila R.S., P.Vijayakanth. A.Jothi and Thamarai, Counsel for the intervener this Court delivered the following :

COMMON ORDER

1. The petitioners, who apprehend arrest by the respondent police for the alleged offences punishable u/s 408, 420 r/w 34 and 109 of IPC in Cr.No.40/2021 on the file of the respondent police, seek anticipatory bail.

2. The counsel for the petitioners and CPP were heard through Video Conference.

3. Learned counsel for the petitioners submits that the petitioners are having independent income. They are the close relatives of Velmurugan, who was employed with the defacto complainant. As per the defacto complainant, he had been entrusted with the grocery shop run by the defacto complainant, in which, the said Velmurugan misappropriated some amount and invested in the name of his family members, including the petitioners herein. In fact, the petitioners are having independent source. They have

purchased the properties from their own money. Even for the offence of 420 IPC, the petitioners have no role at all and prays for anticipatory bail.

4. On the other hand, the learned CPP and the counsel appearing for the intervenor submits that the so called Velmurugan was employed in the defacto complainant's shop at a meager salary of Rs.15,000/- p.m. Out of the confidence gained, he was entrusted the grocery shop and allowed to maintain the same. Taking advantage of the same, he has diverted the funds of the defacto complainant to his account and to his relatives' account and amassed wealth and purchased properties from the proceeds of the crime. The present petitioners are none other than the wife, brother and brother's wife of the said Velmurugan. Knowing fully well about the income of Velmurugan, they accepted the proceeds of crime and they are also liable to be prosecuted. The amount involved is huge in nature and seriously objects granting anticipatory bail.

5. In view of the peculiar circumstances of this case and the factum of wealth acquired during the short period by the petitioners, the case was referred to Mediation. The petitioner Selvakumar is the brother of Velmurugan. Vinotha is Selvekumar's wife. Another accused Purnima is none other than the wife of Velmurugan. Admittedly, Velmurugan was employed in the grocery shop at a salary of Rs.15,000/-p.m. and subsequently, enhanced to Rs.25,000/-p.m. At no stretch of imagination, out of the salary income, the properties mentioned in the F.I.R. could have been acquired. So, prima facie, there is evidence against Velmurugan. Knowing fully well about the income generated by Velmurugan, out of the funds provided by him, the petitioners acquired properties in their name, prima facie, would go to show the knowledge about the mischief committed by Velmurugan.

6. Though an opportunity has been given to the petitioners to settle the matter, they have not chosen to do so. The Mediation Center returned the papers stating that the petitioners are not ready for any mediation. Under such circumstances, this court is not inclined to grant anticipatory bail.

7. Petitions are dismissed.

Delivered by me today.

IN THE COURT OF SESSIONS AT CHENNAI

Present: Thiru R. Selvakumar, B.A., M.L.,

Principal Sessions Judge

Friday, the 24th day of September, 2021.

Cr.L.M.P.No.16510/2021

in

Case No.RC MA1/2017/A/0015/CBI/ACB/Chennai

(On the file of the respondent police)

M.Gowtham

.. Petitioner/Accused

Vs.

State Rep. by
The Inspector of Police,
Central Bureau of Investigation
Anti Corruption Branch,
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.S.Kingston Jerold, S.Sabarish and N.Sarala, Counsel for the petitioner and of M/s.B.Alexander Lenin Raja, Special Public Prosecutor for respondent and upon hearing both sides, this Court delivered the following :

ORDER

1. The petitioner, who apprehends arrest by the respondent police for the alleged offences punishable u/s 120-B r/w 420 and 409 of IPC and Sec.13(2) r/w 13(1)(c) & (d) of P.C.Act, 1988 in Case No.RC MA1/2017/A/0015 on the file of the respondent police, seek anticipatory bail.

2. The counsel for the petitioner and SPP were heard.

3. Learned Special Public Prosecutor submits that on investigation, it appears the petitioner is the victim of Bank fraud. He is ready to co-operate with the investigation and proceedings are initiated u/s 306 Cr.P.C. to treat him as approver and thus, he has no objection for allowing the petition. Endorsement also made to that effect in the petition.

4. Considering the representation of the SPP, this court is inclined to grant anticipatory bail.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the XI Additional C.B.I. Court, Chennai on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a likesum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Additional District Judge concerned and on further condition that

[a] the petitioner and the sureties shall affix their photographs and Left Thumb impression in the surety bond and the learned Additional District Judge may obtain a copy of their Aadhar card or Bank Pass book to ensure their identity.

[b] the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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

[e] On breach of any of the aforesaid conditions, the 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 Trial Court as laid down by the Supreme Court in P.K. Shaji Vs. State of Kerala [(2005) AIR SCW 5560].

[f] If the petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Delivered by me today.

Principal Sessions Judge.

Copies to:

1. The XI Additional CBI Court, Chennai.
2. CPP, Chennai.
3. The Inspector of Police, Central Bureau of Investigation, Anti Corruption Branch, Chennai.

SS

Crl.M.P.No.16510/2021

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Thiru R. Selvakumar, B.A., M.L.,
Principal Sessions Judge.**

Friday, the 24th day of September, 2021

Crl.M.P.No.16591/2021

in

W-7, A.W.P.S. Crime No.11/2021

Vasanth @ Vasanthkumar

.. Petitioner/Accused

Vs.

State Rep. by
The Inspector of Police,
W-7, All Women Police Station,
Anna Nagar,
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing, upon hearing M/s.P.D.Selvaraj, J.John and S.Sankaralingam, Counsel for the petitioner and CPP for respondent, this Court delivered the following :

ORDER

1. The petitioner, who was arrested on 28.8.2021 for the offences punishable under Section 354-C, 506(i) of IPC and u/s 67, 67A, 67C of I.T. Act 2000 in Crime No.11/2021 on the file of the respondent police, seeks bail.

2. The counsel for the petitioner and CPP were heard through Video Conference.

3. Learned counsel for the petitioner submits that the petitioner is a college student, studied B.E. in Loyola College. An exaggerated complaint has been given against the petitioner. He is in custody for about a month and prays for bail.

4. On the other hand, the learned CPP submitted the C.D. for perusal and submits that it is a case of 354(C) IPC. The petitioner developed friendship with the defacto complainant's wife through Whatsapp and he was managed to get some obscene photographs of her. Taking advantage of that, he threatened and called her to a private lodge and had sexual intercourse under threat. The entire family life of the woman and the defacto complainant was spoiled by the conduct of the petitioner and seriously objects granting bail.

5. The C.D. would go to show the complaint given by the husband of the woman and there are Whatsapp messages and photograph also of the petitioner with the woman. Prima facie, the offence appears to be grave in nature. Such sort of conduct by the youngster has to be condemned severely. He is in custody only for a short spell . Hence, this court is not inclined to grant bail.

6. Petition is dismissed.

Delivered by me today.

SS

Principal Sessions Judge.

IN THE COURT OF SESSIONS AT CHENNAI

Present: Thiru R. Selvakumar, B.A., M.L.,

Principal Sessions Judge

Friday, the 24th day of September, 2021.

CrI.M.P.No.16725/2021

in

R-8, Vadapalani P.S. Crime No.648/2021

Arul

.. Petitioner/Accused

Vs.

State Rep. by
The Inspector of Police,
R-8, Vadapalani Police Station,
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing, upon hearing the counsel for the petitioner M/s.S.Sasikumar and T.John Samuel and CPP for respondent, this Court delivered the following :

ORDER

1. The petitioner, who apprehends arrest by the respondent police for the alleged offences punishable u/s 147, 148, 341, 294(b) and 307 of IPC in Crime No.648/2021 on the file of the respondent police, seeks anticipatory bail.

2. The counsel for the petitioner and CPP were heard through Video Conference.

3. Learned counsel for the petitioner submits that the petitioner is no way connected with the offence. He has been falsely implicated in this case. In the F.I.R., the petitioner's name does not find place and prays for granting anticipatory bail.

4. On the other hand, the learned CPP submits that it is a grave case of attempt to commit murder. Due to previous enmity, the petitioner and others jointly attacked the victim Parthipan with deadly weapons. The complaint was given by the brother of Parthipan. Even in the complaint, though the name of some of the accused were mentioned, a unknown accused is also referred. Thus, the arguments advanced by the learned counsel for the petitioner as if the petitioner's name does not find place in the F.I.R. is not acceptable. The A.R. copy would go to show serious injuries inflicted on the victim. Under such circumstances, this court is not inclined to grant anticipatory bail.

5. Petition dismissed.

Delivered by me today.

ss

Principal Sessions Judge

IN THE COURT OF SESSIONS AT CHENNAI
Present: **Thiru.R.Selvakumar, B.A., M.L.,**
Principal Sessions Judge
Friday, the 24th day of September, 2021.

Crl.M.P.No.16838/2021

in

Crl.R.C.No.82/2021

against

M.P.No.45/2021

in

Rc No.256/Sec.Pro/DCP WPT/2021

in

N-2, Kasimedu P.S. SL.No.13/2021 U/s 110 of Cr.P.C.

Ajith @ Sorimeen Ajith

... Petitioner / Petitioner / Respondent
/Accused

Vs.

1. The Executive Magistrate cum Deputy Commissioner of Police, Washermenpet, Chennai.
2. The State represented by
Inspector of Police, (L&O)
N-2, Kasimedu Police Station,
Chennai – 13.

.. Respondents/Respondents/Petitioners/
Complainant

This petition is coming on this day before me for hearing, upon hearing the counsel for the petitioner M/s.M.Nithiyavel, R.Mukesh Kannah and M.Kokila and upon perusing the records, this Court delivered the following:

ORDER

1. The petitioner in the above case seeks suspension of sentence pending disposal of the revision petition.
2. The counsel for the petitioner was heard.
3. The Petitioner herein is the accused in M.P.No.45/2021 in Rc No.256/Sec.Pro/DCP WPT/2021 in N-2, Kasimedu P.S. SL.No.13/2021 on the file of the 1st respondent and he was convicted and sentenced to undergo imprisonment for 318 days for violation of bond executed u/s 110 of Cr.P.C. as per the order dated 11.9.2021.
4. Learned counsel for the petitioner would submit that the petitioner has fair chance of success in the revision. Hence, prays to suspend the sentence.

5. This Court has also perused the revision petition and the submission made by the petitioner's counsel. The revision has been preferred without any delay.

6. The learned counsel for the petitioner would further submit that the accused will not abscond and would be available to undergo the sentence, if the appellate Court confirms the order passed by the Executive Magistrate. As already stated supra, the Petitioner / Accused was ordered to undergo imprisonment for a period of 318 days and in these circumstances, it may not be right to hold that the petitioner has to serve the sentence during the pendency of the revision.

7. Hence, the order passed by the 1st respondent / Executive Magistrate is hereby stayed till the disposal of the revision and the petitioner is ordered to be enlarged on bail on his executing a bond for Rs.10,000/- with two sureties each for a likesum to the satisfaction of the XVI Metropolitan Magistrate, Chennai.

8. The Revision is made over to XX Additional Sessions Court, Chennai.

9. The Revision is posted on 25.10.2021.

Delivered by me today in the open court.

Principal Sessions Judge.

Copy to :

1. The XVI Metropolitan Magistrate, Chennai.
2. The Superintendent, Central Prison, Puzhal, Chennai.

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