

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2020

CORAM

THE HONOURABLE MR. JUSTICE G. K. ILANTHIRAIYAN

Crl.O.P.No.7085 of 2020

1. R. Keerthivasan (M/37),
S/o. Rajamani

2. Sri Lakshmi (F/32),
W/o. Keerthivasan,
Both are residing at
No.1C, 1st Floor,
GL Anandha Aartments,
Plot No.607 & 609, 6th Main Road,
Ram Nagar South,
Madipakkam,
Chennai - 600 091. Petitioners/A5 & A6

Vs.

The State Rep. by
The Inspector of Police,
EOW Head Quarters,
Guindy,
Chennai - 600 032.
Crime No.4 of 2020 Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioners on bail in the event of their
arrest in Crime No.4 of 2020 on the file of the respondent police.

For Petitioners : Mr. G. Mohana Krishnan

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

The petitioners who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 420, 406
and 506(i) of IPC in Crime No.4 of 2020, seek anticipatory bail.

2. The case of the prosecution is that the 10th accused had
introduced the defacto complainant to the company named RR
Enterprises, Chennai, a unit of Mahalakshmi Jewellers, Salem and
Coimbatore and it was run by Ravikumar, Kandhalakshmi, Madhan,
Ranjith, Keethivasan and Sri Lakshmi namely the accused 1 to 6 and
the 10th accused had recommended the defacto complainant to invest in
the company and also informed that if he invests a sum of Rs.1.25
lakhs, he would receive 10 gold coins, each weighting a gram for
every month up to ten months i.e., totally 100 gold coins. Believing
the said words of the 10th accused, without any enquiry the defacto
complainant invested a sum of Rs.3.75 lakhs. Thereafter, when the

defacto complainant demanded for the gold coins, the company itself was found closed and that the accused persons refused to return back the amount invested by the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that petitioners are husband and wife who are arrayed as A5 and A6. Even according to the case of the prosecution, the petitioners have introduced the defacto complainant to the company and also canvassed the persons to invest some amount with the company. Therefore, they are nothing to do with the company and they did not receive any single paise from the defacto complainant. However, he would further submit that the petitioners are ready and willing to deposit some considerable amount to prove their bonafide and prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that there are totally 10 accused in this case in which the petitioners are arrayed as A5 and A6. They introduced persons including the defacto complainant to the main accused company to invest amount and also assured that they would get gold coins every month. Believing the said words, the defacto complainant invested a sum of Rs.3.75 lakhs under the gold coin scheme. Thereafter, the accused's company was closed and they neither provided the gold coins as assured by them nor returned back the amount invested by the defacto complainant and thereby cheated the defacto complainant. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. It is seen that the petitioners are arrayed as A5 and A6 and they have introduced the defacto complainant to the main accused persons. On the said introduction, the defacto complainant paid a sum of Rs.3.75 lakhs to the main accused's company and thereafter they did not provide any gold coins as assured by them and also failed to return back the amount invested by the defacto complainant. Now the petitioners have come forward to deposit some amount to the credit of crime number to show their bonafide.

6. Taking into consideration the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are directed to deposit a sum of Rs.1,00,000/- (Rupees One lakh only) each, to the credit of Crime No.4 of 2020, within a period of four weeks from the date on which the order copy made ready, and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Chief Metropolitan Magistrate Court, Egmore, Chennai, on condition that each of the petitioners shall execute separate 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and 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 petitioners shall deposit a sum of Rs.1,00,000/- (Rupees One lakh only) each, to the credit of Crime No.4 of 2020, before the concerned Magistrate, within a period of four weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at the conclusion of trial.

[d] the petitioners shall appear before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioners shall not abscond either during investigation or trial.

[g] 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].

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

-sd/-

25/06/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE,
COURT, EGMORE, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
EOW HEAD QUARTERS, GUINDY,
CHENNAI-600 32.

CC to M/S. G.MOHANA KRISHNAN Advocate on payment of necessary charges

CRL OP.7085/2020

Date :25/06/2020