

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2020

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.8921 of 2020

Dharman @ Gurudharman

... Petitioner

/Vs/

State of Tamilnadu

Rep. By The Inspector of Police,
C.C.B,

Salem District.

(Crime No.8 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under section 439 of Cr.P.C., to enlarge the Petitioner on Bail in Crime No.8 of 2020 on the file of CCB, Salem Police Station, Salem, pending investigation.

For Petitioner : Mr.M.Devaraj

For Respondent : Mr.C.Iyyappa Raj
Additional Public Prosecutor

* * * * *

ORDER

This petition has been filed by the petitioner to enlarge the Petitioner on bail in Crime No.8 of 2020 on the file of the CCB, Salem Police Station, Salem.

2. The case of the prosecution is that the defacto complainant one Adbul Qudhose Asfar lodged a complaint to the Commissioner of Police which was forwarded to the respondent. In the complaint, it is stated that Al-Ravikumar, the owner of Mahalakshmi Jewelers, is known to him. Al had promised to double the amount of investment by the defacto complainant in the jewelry business, since Al has good lead in the business, dealing in jewelry and also an expert in share market. Believing the same, the defacto complainant invested to an extent of One Crore, which was paid on various dates of the total amount of One Crore, 27.5 lakhs was paid through bank transaction and remaining 72.5 lakhs was paid in cash by collecting from various persons during the period from 31.08.2018 to 09.04.2019. When the defacto complainant requested for return of money, Al evaded the complainant, hence the complaint came to be registered.

3. The contention of the petitioner is that the petitioner has been arrayed as A3 in this case. The petitioner is the building owner, in which A1 was having the Jewelry Shop, the petitioner has no other relationship with A1, in this case A1 along with his wife A2 collected money from various persons from on dates and later they failed to repay the money for which the petitioner cannot be found fault with it. A1 is the tenant under this petitioner/A3. The learned counsel for the petitioner further submitted that in this case A1 was granted anticipatory bail in CrI.O.P.No.8811 of 2020 on 17.06.2020.

4. The learned Additional Public Prosecutor submitted that there are totally 5 Accused in this case. A2 & A3 arrested. A1 & A5 have applied for anticipatory bail. A1 & A2 are husband and wife and A1 is the proprietor of Mahalakshmi Jewelers, A3 is the owner of the building, A4 is the friend of A1 and A5 is the brother-in-law of A1. A1 was running a Jewelry Shop in the name and style of Mahalakshmi Jewelers and offered several schemes to public to invest, one of the promise is that the investments made in the jewelry to be doubled within a short period. Believing the same, several persons apart from the defacto complainant have made deposit. The defacto complainant has made deposit and also collected money from various persons and through him others have also made investments. So far there are 10 complaints lodged against A1 more complaints are expected and opposed the bail application.

5. Considering the submissions and materials, it is seen that this petitioner is A3 who is the owner under whom A1 was a tenant. A1 and defacto complainant by way of memorandum of understanding have entered in to a business, investments were made by the defacto complainant. As far as this petitioner is concerned, apart from being the owner of the building, there is no specific overtact as against the case, further in this case A1 is granted anticipatory bail in CrI.O.P.No.8811 of 2020 on 17.06.2020 and further considering the period of incarceration this Court is inclined to grant bail.

6. Considering the submissions and also taking note of the fact that A1 already granted anticipatory bail, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

(a) the petitioner shall execute his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the concerned prison, in which the petitioner has been confined on their release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate within a period of 15 days from the date of lifting of lockdown and commencement of regular functioning of Court below, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner should appear before the respondent police daily for a period of two weeks.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) 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];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
19/06/2020

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 JUDICIAL MAGISTRATE,
NO.3, SALEM.

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

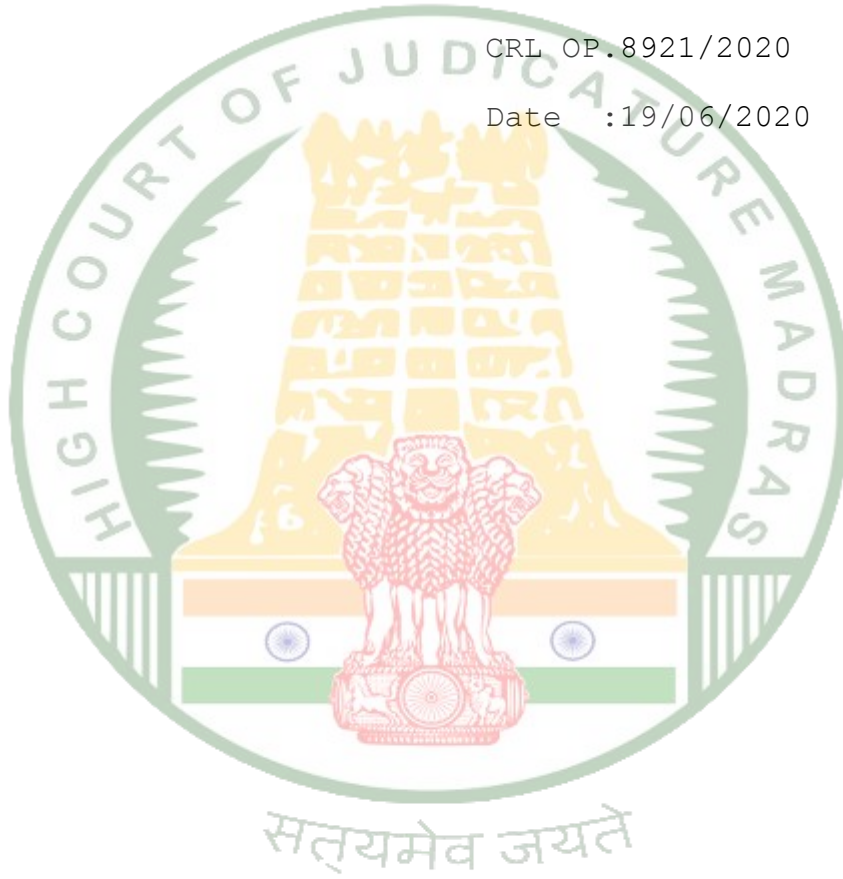
4 THE INSPECTOR OF POLICE,
C.C.B, SALEM,
SALEM DISTRICT.

CC to M/S.M.DEVARAJ Advocate on payment of necessary charges

CRL OP.8921/2020

Date :19/06/2020

cs 29/09/2020



WEB COPY