

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2020

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.9678 of 2020

V. Pandiyan

... Petitioner

Vs.

The State of Tamil Nadu,  
Rep. by the Inspector of Police,  
Thiruvarur Police Station,  
Thiruvarur.  
Cr.No. 5 of 2019.  
U/s 406, 420 of IPC

... Respondent

PRAYER: This Criminal Original Petition filed under section 439 of Cr.P.C., seeking to enlarge the petitioner on bail in Crime No.5 of 2019 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Purushothaman

For Respondent : Mr.T.Shunmugarajeswaran  
Government Advocate (Crl.Side)

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 16.05.2020 for the offence punishable under Sections 406 and 420 IPC in Crime No.5 of 2019 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with one Neethimohan under the guise of real estate business had induced several investors for the purpose of allotting land and collected amount from the public to the tune of Rs.50 Crores and thereafter, they have closed the business and absconded. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case. He further submitted that the petitioner had worked as an agent under the said Neethimohan who is politically influential person and he had promoted several real estate companies and also sold several properties to various persons. Since, he was unable to register the lands for the subscribers, the petitioner was arrested and remanded to judicial custody. He further submitted that the documents relating to property standing in the name of the petitioner and one Ravikumar pertaining 18 acres, had been taken into custody by the respondent

police. He also submitted that the petitioner is in judicial custody from more than 52 days from 16.05.2020 and that he is prepared to co-operate with the investigation and prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) submitted that the petitioner along with one Neethimohan under the guise of real estate business, had floated about 28 companies and also promoted various schemes for allotting housing plots and collected amount to the tune of Rs.50 Crores from several thousand victims and cheated them. Hence, he vehemently opposed for the grant of bail.

5. Taking into consideration the facts and circumstances of the case and the fact that the original documents have been seized from the petitioner and considering the period of incarceration by the petitioner from 16.05.2020, 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 executing 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 and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the Judicial Magistrate, Thiruvavarur, on or before 07.08.2020, 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 shall report before the respondent police daily at 10.30 a.m. for a period of three weeks and thereafter, report on every Monday at 10.30 a.m. until further orders.

(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.

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

-sd/-

07/07/2020

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,  
THIRUVARUR

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE  
THIRUVARUR POLICE STATION,  
THIRUVARUR DISTRICT.

4 THE OFFICER INCHARGE,  
SUB JAIL, MANNARGUDI

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

CRL OP.9678/2020

Date :07/07/2020

RVR 01/09/2020