

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.07.2020

CORAM:

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

Crl.O.P.No.9846 of 2020

S.Vinayagam

... Petitioner

Vs.

State: Rep. by Inspector of Police
District Crime Branch
Tiruvarur & Dist
(Crime No.05/2019)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.05 of 2019 on the file of the District Crime Branch, Tiruvarur District.

For Petitioner : Mr.P.Vijendran

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

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 15.05.2020 for the offence punishable under Sections 406 & 420 IPC, in Crime No.05 of 2019, 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 appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner had worked under the said Neethimohan who is a 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 investors, the petitioner was arrested and remanded to judicial custody. He would also further submit that the petitioner is in judicial custody from 15.05.2020 and that he is prepared to cooperate with the investigation and

prays for grant of bail to the petitioner.

4.The learned Government Advocate (Criminal Side) would submit that the petitioner along with other accused collected amounts to the tune of Rs.50 crores from the gullible investors and cheated them under the guise of real estate and has purchased three properties in the name of the petitioner from the money collected from the investors.

5.At this juncture, the learned counsel for the petitioner would submit that the petitioner is prepared to deposit the original title deeds of the three properties before the Investigating Officer.

6.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels, and considering the period of incarceration suffered by the petitioner from 15.05.2020, 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) each, 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 learned Judicial Magistrate, Tiruvarur, within 15 days from the date of lifting of the lockdown or the commencement of the Court's normal functioning, whichever is earlier, 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 hand over the original title deeds of the three properties to the Investigating Officer.

(e) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter on every Monday at 10.30 a.m. until further orders.

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

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

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

(i) 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];

(j) 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/-
13/07/2020

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,
TIRUVARUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUVARUR [FOR INFORMATION].

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
TIRUVARUR.

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

CRL OP.9846/2020

Date :13/07/2020

MN-CS-04/08/2020