

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.08.2020

CORAM :

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

Crl.O.P.No.11568 of 2020

Nikkalsan Selgirim,  
S/o.Sekar,  
Now at No.255 D A,  
Uppu Odai Elambalur Road,  
Perambalur Taluk &  
Perambalur District.

..... Petitioner

-Vs-

The State Represented by  
Inspector of Police,  
District Crime Branch,  
Perambalur District.  
(Crime No.04 of 2020).

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioner on bail in Crime No.04 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Kingston Jerold

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

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O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested on 06.07.2020, for the offences punishable under Sections 406, 420 and 506(i) of IPC, in Crime No.04 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de facto complainant Ravichandran is that the second and third accused namely Nikkason/the petitioner herein and Sujatha are known to him and that they have introduced the first accused Suresh to him. On 22.04.2020, the first accused had gone to the house of the de facto complainant and induced him saying that he would be able to get auction of seized Gold from customs for cheaper rates and thereby made him part with a sum of Rs.26.00 lakhs and further, A1 has also induced to give money to him by way of doubling and thereafter, he did not repay the amount. When the de facto complainant has asked for return of the the money, A1 along with other accused threatened him.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that he is working as a Principal in Elizabeth

Polytechnic, Perambalur. He would submit that the de facto complainant promoted various gold schemes and collected huge amounts from public including the petitioner and A1. There was money dispute between the first accused and the de facto complainant. Only towards the return of the amount, the de facto complainant deposited the amounts in A1's company. Further, due to the financial disputes earlier, on 14.05.2020, the de facto complainant along with his associates kidnapped the first accused, in respect of which, a case in Crime No.1390 of 2020 has been registered against the de facto complainant. While so, for reasons best known, with the help of influential persons, a false complaint has been given against A1 and based on the false complaint, the petitioner has also been implicated in this case. He would submit that even as per the FIR, the allegations against the petitioner is that he and A3 Sujatha had introduced A1 to the de facto complainant. No amounts have come into the account of the petitioner. He would submit that the case of financial dispute has been projected as a case of cheating. He would submit that the petitioner and A1 were arrested on 06.07.2020 and that A1 has been detained under Act 14 and the petitioner has not been taken to police custody till the expiry of the period of first remand. He would submit that major part of the investigation is over.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner introduced A1 to the de facto complainant and A1 induced the de facto complainant for purchasing auctioned gold from customs and also offered other schemes and later cheated him. When the de facto complainant demanded money, A1 has threatened the de facto complainant. Further, A1 in this case has been detained under Act 14 by the proceedings of the District Collector, Perambalur in COC.No.16 of 2020 dated 22.07.2020. He would submit that the investigation is pending and no recovery has been made so far. Hence, he vehemently opposed to grant bail to the petitioner.

5.Taking into consideration of the facts and circumstances of the case, 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 have 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-I, Perambalur, 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 report before the respondent police every day at 10.30.am 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/-

03/08/2020

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.I, PERAMBALUR

2 THE OFFICER INCHARGE  
SUB-JAIL, JAYAMKONDAM

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
DISTRICT CRIME BRANCH,  
PERAMBALUR DISTRICT.

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

CRL OP.11568/2020

Date :03/08/2020

RD 01/09/2020

<https://hcservices.ecourts.gov.in/hcservices/>