

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.09.2020

CORAM :

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

CRL.O.P.No.14516 of 2020

V. Chinnadurai

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Thalaivasal Police Station,
Salem District.
(Crime No.500 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.500 of 2020 on the file of the respondent police.

For Petitioner : Mr.N.Manoharan

For Respondent : Ms.S.Thankira
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 15.08.2020 for the offences punishable under Section 294 (b), 326 A, 420 and 506(ii) of IPC in Crime No.500 of 2020, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant one Kurusamy is that the petitioner along with one Senthilraja (A1) and his brother-in-law Inbamani induced him and made the defacto complainant and other persons known to him to invest an amount of Rs.28,30,000/- in their bit-coin on-line business and on the occurrence that the invested money would be returned by Diwali. But the accused persons did not return the amount even after Diwali and thereby cheated the defacto complainant. When the same was questioned by the defacto complainant, the 1st accused informed that all the collected amount has been paid to one Maria Selvam, the Managing Director of the Company through the petitioner herein and since the bit-coin website was frozen, they were unable to pay the amount as assured by them and he had also offered to take his car bearing Regn. No.TN77M0789 purchased by him out of the said money and the same was refused by the defacto complainant and he insisted only for repayment of money. while so, on 13.08.2020, the 1st accused along with the other accused intimidated him and assaulted him with a wooden log and also spilt acid on him. Since he washed his face in the rainwater, no serious injuries were sustained, hence a complaint was lodged to take action against the accused.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent he has been made a scapegoat. He would further submit that all the allegations are only against the main accused viz. Senthilraja / A1, who is stated to have collected the amounts and also spilt acid on the defacto complainant. The defacto complainant has foisted this case and attempted to armtwist the petitioner and to resolve his financial dispute. He would further submit that the petitioner was arrested on 15.08.2020 and he is in custody for more than 45 days. He would further submit that apart from this, there are no other cases pending against the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner is arrayed as A2 in this case, he along with A1 / Senthilraja and Inbamani collected a sum of Rs.28,30,000/- in the guise of investing it in bit-coin business and thereby cheated the defacto complainant and other persons known to them. She would further submit that thereafter on 13.08.2020 when the defacto complainant had demanded the accused to give back his money, the accused have joined together and assaulted him and also spilt acid on the defacto complainant. She would further submit that apart from the defacto complainant, they have also cheated several other persons.

5.At this juncture, the learned counsel appearing for the petitioner would submit that even as per the F.I.R. the allegation of collecting money attributed only against the 1st accused and his brother-in-law / A3 herein and even the allegation of spilling acid is also only against the 1st accused. He would further submit that the petitioner is in custody for the past 45 days.

6.Taking into consideration of the facts and circumstance of this case and also considering the fact that the petitioner is in jail from 15.08.2020, 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 condition to execute a bond for a sum of Rs.10,000/- (Ten Thousand only) with two sureties each for a likesum sum to the satisfaction of the the learned Judicial Magistrate No.2, Attur and on further conditions that;

(b) 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;

(c) the petitioner shall report before the respondent police everyday at 10.30 a.m. and 05.30 p.m., until further orders.

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

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

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

(g) 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];

(h) 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/-
28/09/2020

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.II, ATTUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
THALAIVASAL POLICE STATION, सत्यमेव जयते
SALEM DISTRICT

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

CC to M/S. N.MANOCHARAN Advocate on payment of necessary charges
Sr.6473

CRL OP.14516/2020

Date :28/09/2020

RVR 29/09/2020