

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fourth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION Nos.2394, 3360, 2399 & 2924 of 2021
& CRL.MP.Nos.2220 & 2221 of 2021

KASILINGAM AYYAMPERUMAL [PETITIONER / ACCUSED
IN CRL.OP.NO.2394/2021]

VINOTHKUMAR [PETITIONER / ACCUSED
IN CRL.OP.NO.3360/2021]

SANTHOSH KUMAR [PETITIONER / ACCUSED
IN CRL.OP.NO.2399/2021]

BALASUBRAMANIAM [PETITIONER / ACCUSED
IN CRL.OP.NO.2924/2021]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
SALEM CITY,
SALEM DISTRICT.
CR.NO.01 OF 2021. [RESPONDENT
IN ALL THE PETITIONS]

For Petitioner : M/S.W.CAMYLES GANDHI Advocate
[IN CRL.OP.NOs.2394 & 2399/2021]

For Petitioner : M/S.K.SATHISH KUMAR Advocate
[IN CRL.OP.NOs.3360 & 2924/2021]

For Respondent : M/S.S.KARTHIKEYAN, Additional Public Prosecutor
[IN ALL THE PETITIONS]

For Intervener : M/S.M.DINESH Advocate
[IN CRL.MP.NOs.2220 & 2221/2021
IN CRL.OP.NOs.2394 & 2399/2021]

PETITIONS FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners are A2 to A5. Apprehending arrest at the hands of the respondent police for the alleged offence under Sections 420 and 506(i) of IPC, in Crime No.1 of 2021 on the file of the respondent police, the petitioners seek anticipatory bail.

2. The case of the prosecution is that all the five accused run a finance company by name COINTONA IT Technologies India Private Limited, Salem and received money from various depositors and promised to double the money. The accused collected money to the tune of Rs.26,00,000/- but failed to pay the amount and cheated the depositors. Hence, the respondent police registered a case against the petitioners.

3. The learned counsel appearing for the petitioners submitted that the petitioners did not indulged in any offence. They are not aware of the collection of the amount and deposit made by the main accused A1, who has been arrested. He further submitted that the petitioners have been falsely implicated in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioners and further submitted that the petitioners are prepared to abide by any stringent condition that may be imposed by this Court.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that all the petitioners collectively collected money to the tune of Rs.26,00,000/- and subsequent investigation revealed that the petitioners collected more than Rs.41,00,000/- and cheated the depositors. He further submitted that A1 was arrested and remanded to judicial custody.

5. Considering the facts and circumstances of the case, and the fact that the main accused A1 has already been arrested, this Court is inclined to grant anticipatory bail to the petitioners/A2-A5, subject to the following conditions :

(a) Accordingly, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.V, Salem, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(b) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

(c) Each petitioner shall deposit a sum of Rs.5,00,000/- (Rupees five lakhs only) before the learned Judicial Magistrate No.V Salem to the credit of Crime No.1 of 2021, within a period of two weeks from the date of receipt of a copy of this order.

(d) The petitioners shall appear before the respondent police everyday at 10.30 a.m. until further orders.

(e) The petitioners shall not tamper with evidence or witness either during investigation or trial.

(f) The petitioners shall not abscond either during investigation or trial.

(g) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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

-sd/-

04/03/2021

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.V, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
SALEM CITY,
SALEM DISTRICT.

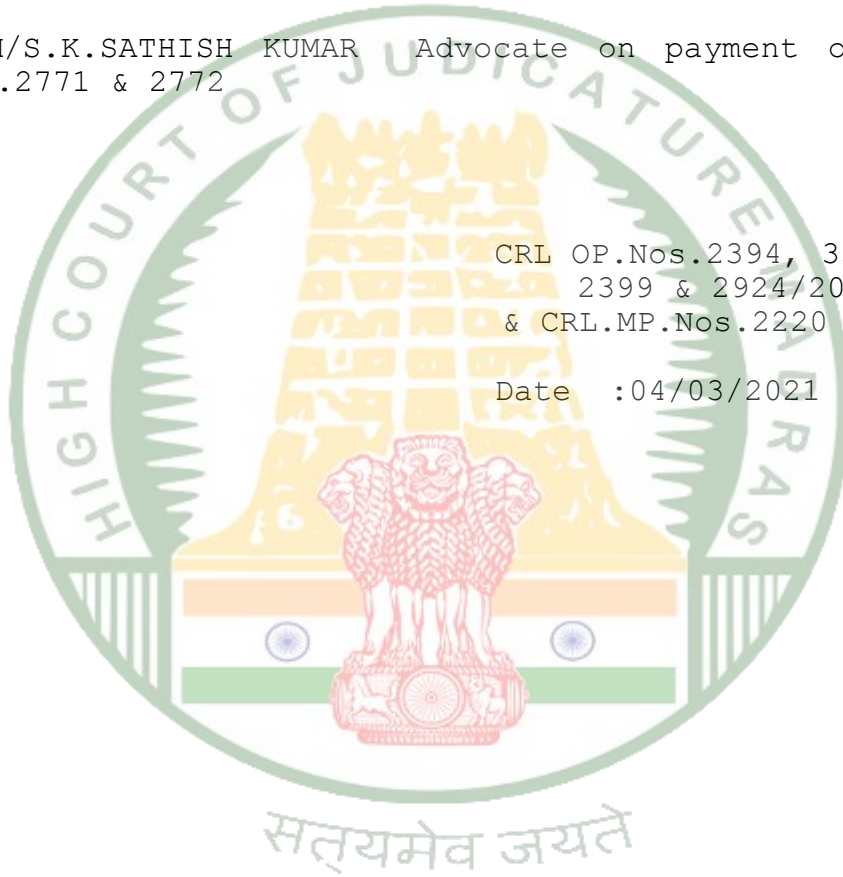
+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary
charges SR.Nos.2806 & 2807

+1 CC to M/S.K.SATHISH KUMAR Advocate on payment of necessary
charges SR.Nos.2771 & 2772

CRL OP.Nos.2394, 3360,
2399 & 2924/2021
& CRL.MP.Nos.2220 & 2221/2021

Date :04/03/2021

cs 09/03/2021



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