

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2021

CORAM

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

Crl. O.P. Nos. 3700 to 3705 of 2021

R.Gokul

... Petitioner/Accused No. 3 in all Crl. O.P.s

-VS-

State Rep. by
The Deputy Superintendent of Police,
Economic Offences Wing-II, Head Quarters,
Chennai.

... Respondent/Complainant in all Crl. O.P.s

Prayer:- Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure, 1973, praying to grant bail to the Petitioner in C.C. Nos. 3 to 8 of 2015 on the file of the Special Court, TANPID Act, Chennai, pending trial.

For Petitioner : Mr. K.Kannan
(in all Crl. O.P.s)

For Respondent : Mr. J.C.Durairaj,
(in all Crl. O.P.s) Counsel appearing for the Government

COMMON ORDER
(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 02.11.2019 for the offence punishable under Sections 406, 420 read with 120-B of the Indian Penal Code, 1860 and Section 5 of the TNPID Act, in C.C. Nos. 3

to 8 of 2015 on the file of the Learned Special Court, TNPID Act, Chennai, seeks bail.

2. It is a case of jumped bail. The Petitioner is Accused No. 3 in C.C. Nos. 3 to 8 of 2015 pending trial on the file of the Special Court, TNPID Act, Chennai. The Respondent had registered a case against one Tycoons International Empire Ltd., a Finance Company functioning at various places in Tamil Nadu, in respect of default in repayment of deposits received from various depositors from the year 2011. The case was registered for offences under Sections 406 and 420 read with 120-B of the Indian Penal Code, 1860 and Section 5 of the TNPID Act. The Petitioner was originally arrested and he was released on bail. The Respondent after completing the investigation filed the final report and the cases were taken up in the year 2013. Since the Petitioner did not appear before the Trial Court on 03.12.2014, the Trial Court had issued Non-Bailable Warrant of arrest against the Petitioner. Since the Petitioner was absconding for a long time, case against the Petitioner was split up and C.C. Nos. 3 to 8 of 2015 were assigned to the Petitioner during the year 2015. While so, the Petitioner was arrested pursuant to the Non-Bailable Warrant of arrest on 02.11.2019 and remanded to judicial custody and since then, he is in custody.

3. Mr. K.Kannan, Learned Counsel for the Petitioner would submit that the Petitioner was only an employee and he was made as a scapegoat in this case. He would further submit that due to his illness, the Petitioner did not appear before the Trial Court for sometimes pursuant to which, Non-Bailable Warrant was issued on 03.12.2014 and subsequently, he was arrested on 02.11.2019. He would further submit that the Petitioner was wrongly guided by his earlier Advocates. He would further submit that after arrest pursuant to the Non-Bailable Warrant, the Petitioner is in custody for more than 19 months, which would amount to pre-trial conviction. He would further submit that the Petitioner has regretted for his mistake. He would further submit that the Petitioner has got permanent residence and that he is prepared to furnish sufficient sureties for his release on bail and he undertakes to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the Petitioner.

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4. The Learned Counsel appearing for the Government would submit that the Petitioner is the Accused No. 3 in C.C. Nos. 3 to 8 of 2015 pending trial on the file of the Special Court, TNPID Act, Chennai. He would further submit that the cases were registered against the Petitioner in the year 2013 and since

the Petitioner absconded during the year 2014, the case against the Petitioner was split up and C.C. Nos. 3 to 8 of 2015 were assigned during the year 2015. He would further submit that with a great difficulty, the Respondent had arrested the Petitioner during the year 2019. He would further submit that the Respondent has verified and found that the Petitioner's father has got a permanent residence and as far as the Petitioner is concerned, he does not have a permanent residence. Hence, he vehemently opposed for the grant of bail to the Petitioner.

5. Heard the Learned Counsels and perused the earlier dismissal orders dated 24.01.2020 and 26.03.2020.

6. Taking into consideration the fact that the Petitioner has been absconding for five years, this Court had dismissed the earlier applications. However, taking into consideration the long time incarceration of the Petitioner from 02.11.2019, 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/- (Rupees Ten Thousand only) with two sureties out of which, one surety shall be either the father or**

mother of the Petitioner and the other surety shall be a Government servant, each for a like sum to the satisfaction of the Learned Special Court, TNPID Act, Chennai, 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 Aadhaar Card or Bank Pass Book to ensure their identity;

(c) the Petitioner on his release from prison shall report before the Respondent Police everyday at 5.30 p.m. and after the resumption of the regular functioning of the Trial Courts, appear before the Learned Special Court, TNPID Act, Chennai on all working days at 10.30 a.m. until further orders.

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

(e) the Petitioner shall not abscond during trial;

(f) the Petitioner shall not tamper with evidence or witness during 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 229-A of the Indian Penal Code, 1860.

7. With the above directions, these Criminal Original Petitions are ordered.

23.06.2021

vjt

Index: Yes/No
Internet: Yes/No

To

1. The Superintendent of Prisons,
Central Prison-II,
Puzhal,
Chennai.
2. The Deputy Superintendent of Police,
Economic Offences Wing-II, Head Quarters,
Chennai.
3. The Special Court, TNPID Act,
Chennai.
4. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.



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A.D. JAGADISH CHANDIRA, J.

vjt



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