

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.4944 of 2021

S. Jayaraman

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Central Crime Branch,
Salem City.
(Crime No.1 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.1 of 2021 on the file of the respondent police.

For Petitioner : Ms.N.Premalatha

For Respondent : Mrs.M.Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 02.02.2021 for the offence punishable under Sections 420 and 506(i) of IPC in Crime No.1 of 2021, seeks bail.

2. The case of the prosecution is that all the five accused are running 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 more than Rs.40 lakhs, but failed to pay the amount and cheated the depositors. Hence, the respondent police registered a case against the petitioner and others.

3. The learned counsel appearing for the petitioner submitted that the petitioner did not indulged in any offence. The petitioner has been falsely implicated in this case. He would further submit that co-accused in this case were already released on bail. He would further submit that the petitioner is prepared to abide by any condition that may be imposed by this Court.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner and other accused collected money to the tune of Rs.26,00,000/- and subsequent investigation revealed that the petitioner and others collected more than Rs.41,00,000/- and cheated the depositors. She would further submit that co-accused in this case were already released on bail on condition to deposit Rs.5 lakhs each.

5. Considering the facts and circumstances of the case, and the fact that co-accused in this case have already been released on bail and also considering the period of incarceration suffered by the petitioner, 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 each for a like sum to the satisfaction of the learned Judicial Magistrate No.V, Salem 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) petitioner shall deposit a sum of Rs.8,00,000/- (Rupees Eight Lakhs only) before the learned Judicial Magistrate No.V Salem to the credit of Crime No.1 of 2021, within a period of four(4) weeks from the date of receipt of a copy of this order;

(c) the petitioner, on release from the prison, shall report before the respondent police daily 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 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.

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

-sd/-
23/03/2021

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 INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
SALEM CITY.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

CC to M/S.R.NALLIYAPPAN Advocate on payment of necessary charges

सत्यमेव जयते

CRL OP.4944/2021

Date :23/03/2021

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MN-24/03/2021