

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.05.2021

CORAM

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

Crl.O.P.No.9365 of 2021

Posaram Prajapat @ Praveen

.. Petitioner

Versus

The State of Tamil Nadu

rep.by Deputy Superintendent of Police

HQRS-Chennai

Economic Offences Wing-II

No.C-48, Block-II

SIDCO Old Corporate Office Building

Guindy, Chennai 600 032

(Crime No.12 of 2021)

.. Respondent

Prayer:-Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure seeking to enlarge the petitioner on bail in connection with the FIR in Crime No.12 of 2021 on the file of the respondent police.

For Petitioner : Mr.K.M.D. Muhilan

For Respondent : Mr.E.Rajthilak  
Government Advocate (Crl side)

ORDER

The petitioner, who was arrested and remanded to Judicial Custody on 20.04.2021 for the offence punishable under Sections 34, 409 and 420 of the IPC in Cr.No.12/2021, in Crime No.12 of 2021, on the file of the Economic Offences Wing-II, Guindy, Chennai, has filed the present bail application.

2. The case of the prosecution is that the defacto complainant approached one Mr. Radhakrishnan, Chartered Accountant and one Mr.Surendran, Proprietor of M/s. Welnut SDN BHD, Malaysia for arranging loan of Rs.300 crores from A3 Vicky Ahuja, Director of Golden Harvest Technologies, SDN BHD and a sum of Rs.2 crores was given to A1, the petitioner herein, as guarantee by the defacto complainant who in turn handed over the said amount to A2 and A3. However, the said loan amount of Rs.300 crore was not given as promised and thus A1 to A3 committed the offences mentioned above.

3. Mr. K.M.D. Muhilan, the learned counsel for the petitioner contended that the petitioner is innocent and has nothing to do with the offence. He would further contend that A2 and A3 alone were involved as per the allegations found in the FIR. He, therefore, prayed for enlarging the petitioner on bail.

4. Per contra, the learned counsel appearing for the Government (Crl.Side), on instructions, would contend that the investigation is still pending and that A2 and A3 are still absconding and that the present petitioner alone handed over Rs.2 crores to A2 and A3.

5. Considering the period of incarceration and also considering the present pandemic situation, this Court is inclined to grant bail to the petitioner and accordingly the petitioner is ordered to be released on bail subject to the following conditions:-

(a) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the Puzhal Prison, Chennai, in which the petitioner is confined and thereafter, on his release,

(b) the petitioner shall execute a bond, for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for like sum to the satisfaction of the learned Chief Metropolitan Magistrate, Egmore, Chennai, within 15 days from the date of commencement of the Court's normal functioning, 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 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 daily at 10.00 a.m., until further orders.

(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 Chief Metropolitan Magistrate, Egmore, Chennai, 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

(h) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-  
19/05/2021

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 CHIEF METROPOLITAN MAGISTRATE,  
EGMORE, CHENNAI.

2 THE SUPERINTENDENT,  
CENTRAL PRISON, PUZHAL,  
CHENNAI.

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE DEPUTY SUPERINTENDENT OF POLICE,  
HQRS-CHENNAI,  
ECONOMIC OFFENCES WING-II,  
NO.C-48, BLOCK-II,  
SIDCO OLD CORPORATE OFFICE BUILDING,  
GUINDY, CHENNAI.

+1CC to M/S.K.M.D.MUHILAN Advocate on payment of necessary charges SR.NO.6251

CRL OP.9365/2021

MK:21/05/2021

Date :19/05/2021

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