



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.25330 of 2021

Panneer Selvam

... Petitioner

Vs.

State rep by
The Inspector of Police
CCB I, Vepery
Chennai - 600 007
Crime No.101 of 2020

... Respondent

PRAYER: Criminal Original Petition has been filed under Sections 439 of Cr.P.C praying to enlarge the petitioner on bail in CCB Crime No.101 of 2020 on the file of the respondent.

For Petitioner : M/s.S.S.Swaminathan

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

The petitioner who was arrested and remanded to judicial custody on 09.11.2021 for the offences under Sections 420, 465, 468, 471 r/w 34 of IPC, in Crime No.101 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that between 17.12.2015 and 19.03.2019, the accused herein along with 4 others, induced the defacto complainant to invest in quartz stone business by showing various purchasing orders and believing the same, from 03.04.2016, he invested a sum of Rs.5,09,00,000/-. But later, they have not conducted any business and failed to return the amount and cheated the defacto complainant. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and a false case has been foisted against the petitioner. He would further submit that the petitioner has been



doing business for years together and the fact remains that only as per the direction given by the defacto complainant, the petitioner had transferred the amount to various persons through bank transaction and that the said transaction details have already been handed over to the Investigating Agency. He would further submit that the petitioner has been suffering incarceration for 44 days from 09.11.2021 and that the petitioner is ready to co-operate for the investigation. Hence, he would pray for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would raise objection stating that 41A notice has been issued to other accused and that A4 who is in abroad has agreed to come and give statement and admits that the investigation is under progress.

5. It is seen that there was a business transaction with regard to selling of quartz stone from the year 2015 and that there was some dispute with regard to the said transaction. Considering the facts and circumstances of the case and the fact that the investigation is under progress and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) to the credit of Crime No.101 of 2020 and on such deposit, the petitioner is ordered to be released on bail on his executing 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 CCB&CBCID Metropolitan Magistrate, Egmore, Chennai and on further conditions that:

(a) 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;

(b) the petitioner shall report before the Respondent Police daily at 10.30 a.m. until completion of investigation.

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

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

(e) on breach of any of the aforesaid conditions, the learned 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
23/12/2021

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 CCB & CBCID
METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
CCB I, VEPERY
CHENNAI

4 THE SUPERINTENDENT,
PUZHAI JAIL.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.S. SWAMINATHAN, Advocate on payment of necessary charges SR.NO.15415

CRL OP.25330/2021

Date :23/12/2021

JPA 23/12/2021