



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 16.09.2021
PRESENT

WEB COPY

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . Nos.12858 & 12786 of 2021

Venkatesan

... Petitioner/Accused No.7
in Crl.O.P.(MD).No.12858 of 2021

Akilandam @ Akila

... Petitioner/Accused No.8
in Crl.O.P.(MD).No.12786 of 2021

Vs

1.The State rep. by
The Inspector of Police,
District Crime Branch, Thanjavur,
Thanjavur District.
Crime No.18 of 2021.

2.The State Rep. by
The Inspector of Police,
Economic Offence Wing (EOW),
Trichy,
Trichy District.

... Respondents/Complainant
in Crl.O.P.(MD).No.12858 of 2021

The State rep. by,
The Inspector of Police,
District Crime Branch,
Thanjavur,
Thanjavur District.
(Crime.No.18 of 2021).

... Respondent/Complainant
in Crl.O.P.(MD).No.12786 of 2021

For Petitioners : Mr.M.AJMAL KHAN, Senior Counsel
in Crl.O.P.(MD).No.12858 of 2021
Mr.C.MAYIL VAHANA RAJENDRAN, Advocate
in Crl.O.P.(MD).No.12786 of 2021

For Respondent : Mr.T.SENTHILKUMAR,
Additional Public Prosecutor(crl.side)

For Intervenor : Mr.S.SATHIYA SEELAN, Advocate

PETITIONS FOR BAIL Under Sec.439 of Cr.P.C.



PRAYER :-

For Bail in Crime No.18 of 2021 on the file of the Respondent police.

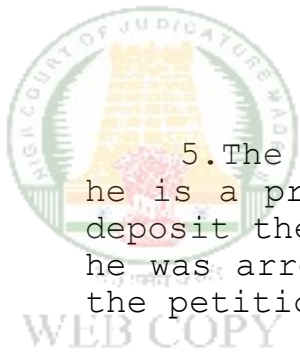
COMMON ORDER : The Court made the following order :-

The petitioners, who were arrested on 27.07.2021 for the alleged offence under Sections 406, 420 & 120 B of I.P.C, in Crime No.18 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that one Mohamed Yusuf Sowkath Ali Jafarulla, the defacto complainant herein has lodged a complaint before the respondent police as against one M.R.Ganesh and 5 others. On receipt of the said complaint the respondent police has registered a case in Crime No.18 of 2021 and arrayed 6 persons as accused for the offences punishable under Section 406, 420 and 120B of IPC. Subsequent to registration of the said FIR, the respondent police had additionally added 4 accused persons in the same crime No.18 of 2021 and the petitioner are arrayed as Accused No.7 and A8 alleging that A7 along with A3 induced the defacto complainant's wife to deposit money in the financial firm run by one M.R.Ganesh/A2 and M.R.Saminathan / A2, she believed the A3 and A7's words and deposited Rs.15 crores in the financial firm run by A1 and A2 on various dates. On receipt of the said deposits, A1 and A2 are said to have issued post dated cheques towards the said deposit. However, these cheques were returned dishonoured on presentation before the banks. Hence, the complaint.

3.The learned counsel for the petitioner/A7 would submit that the petitioner/A7 is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is falsely implicated in this case on the basis of the confession made by the co-accused. The petitioner has not indulged any financial activities such as canvassing and collection among the public on behalf of accused No.1 and 2. Without having any valid records and evidence, the petitioner is falsely implicated in the case by the respondent police in a hurried manner. The petitioner is not a member of the KCL company as alleged by the prosecution.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that investigation on the file of the respondent police is now transferred to the Economic Offences Wing. He would further submit that the overt act committed by the accused is yet to be unearthed. The cheated money has been deposited in various institutions at Malasiya to the tune of Rs.500 Crores. Considering the gravity of offence, the case was transferred from District Crime Branch, Thanjavur to The Inspector of Police Economic Offences Wing. Apart from this complaint, 41,000 complaints were also received and all the complaints were also transferred to the Economic Offence Wing on 09.09.2021. The Inspector of Police Economic Wing is yet to commence the investigation in this matter.



5.The petitioner in Crl.O.P.(MD).No.12858 of 2021 is concerned, he is a prohit of the accused, who canvassed certain depositors to deposit the amount in the company and on the confession of A1 and A2 he was arrested. Therefore, this court is inclined to grant bail to the petitioner in crl.O.P.(MD).NO.12858 of 2021.

6.Accordingly, the petitioner/A7 in Crl.O.P.(MD).No.12858 of 2021 is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Kumbakonam and on further condition 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 am. until further orders.

[c] the petitioner shall file an undertaking affidavit before the respondent police as well as before the trial Court that he will not indulge in any such offence in future.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7.Insofar as the petitioner in Crl.O.P.(MD).12786 of 2021 is concerned, the petitioner is the wife of the accused No.1. The learned counsel for the petitioner in this case submits that the entire transaction has been conducted only by the accused NO.1 and this petitioner is only house wife and she has nothing to do with the transactions. The defacto complainant claims that this petitioner is one of the Directors of the company, wherein the entire money has been deposited at Malasiya. Considering the stage of investigation, this Court is not inclined to grant bail to the petitioner/A8 in Crl.O.P.(MD).NO.12786 of 2021. Accordingly, Crl.O.P.(MD).No.12786 of 2021 is dismissed.

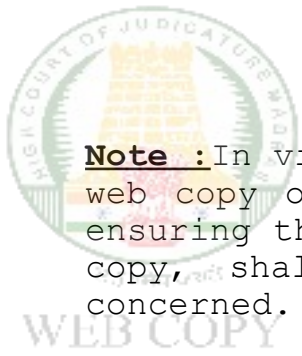
sd/-

16/09/2021

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO

- 1.THE JUDICIAL MAGISTRATE NO.I
KUMBAKONAM.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM
- 3.THE OFFICER INCHARGE
DISTRICT JAIL, PUDUKKOTTAI.
- 4.THE OFFICER INCHARGE
SPECIAL PRISON FOR WOMEN, TIRUCHIRAPPALLI.
- 5.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, THANJAVUR,
THANJAVUR DISTRICT.
- 6.THE INSPECTOR OF POLICE,
ECONOMIC OFFENCE WING (EOW),
TRICHY,
TRICHY DISTRICT.
- 7.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP (MD) . Nos.12858 &
12786 of 2021

Date :16/09/2021

SA/VR/SAR.4/16.09.2021/4P/8C