



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

Date : 22.09.2021

PRESENT

WEB COPY

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD). Nos.14071, 14072, 14073, 14074, 14075, 14076,
14077 and 14078 of 2021

Venkatesa Sasthirikal ... petitioner/Accused No.3
in all the Crl.O.Ps

Vs

1.The State rep. by
The Inspector of Police,
DCB, Thanjavur,
Thanjavur District.
(Crime Nos.39,40,41,42,43,44,45 & 46 of 2021)

2.The State Rep. by
The Inspector of Police,
Economics Offence Wing (EOW),
Chennai.

... Respondents/Complainant
in all the Crl.O.Ps

(In all the Crl.O.Ps)

For Petitioners : Mr.M.Ajmal Khan, Senior Counsel for
M/s.AJMAL ASSOCIATES

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime Nos.39, 40, 41, 42, 43, 44, 45 and 46 of
2021 on the file of the Respondent police.

COMMON ORDER : The Court made the following order :-

The petitioner/A3 in all the cases, who was arrested on
27.08.2021 for the alleged offence under Sections 406 and 420
I.P.C, in Crime Nos.39, 40, 41, 42, 43, 44, 45 and 46 of 2021 on the
file of the Respondent police, seeks bail.

2.Since the petitioner as well as the respondent police in all
the petitions are one and the same, all the applications are heard
together and are disposed of by this common order.

<https://hcservices.ecourts.gov.in/hcservices/>



3.The case of the prosecution is that one lakshmi, the defacto complainant herein has lodged a complaint before the respondent police as against one M.R.Ganesh and 2 others alleging that the petitioner induced the defacto complainant to deposit money in the financial firm run by one M.R.Ganesh/A1 and M.R.Saminathan/A2 under the scheme of KCL Daily Income Scheme (Gold Scheme). On believing his words, on 23.01.2020, the defacto complainant had deposited a sum of Rs.5,50,000/- through this petitioner in the aforesaid financial firm. On receipt of the same, accused nos. 1 and 2 issued receipts to the defacto complainant. But they neither repaid interest nor the principal amount, in spite of repeated demands made by her. Hence, the complaint.

4.The learned counsel for the petitioner would submit that the petitioner 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 in 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 hurried manner. In fact, the petitioner is not a member of the KCL company as alleged by the prosecution.

5.The learned Additional Public Prosecutor appearing for the respondent police submitted that investigation is yet to be completed.

6.This Court by order dated 16.09.2021 in CrI.O.P(MD).Nos.12858 and 12786 has granted bail to this petitioner in Crime No.18 of 2021 on the file of the respondent police. The allegation in the present complaints is also similar to that of the case registered in Crime No.18 of 2021.

7.Considering the facts and circumstances of the cases, nature of allegation levelled against the petitioner, the overt act attributed as against him and also the grant of bail by this Court to the petitioner in the similar case, this Court is inclined to grant bail to the petitioner in the present cases as well.

8.Accordingly, the petitioner 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 common sureties, for all cases, 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 the 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.

sd/-

22/09/2021

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/ /2021

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 INSPECTOR OF POLICE, DCB, THANJAVUR, THANJAVUR DISTRICT.
5. THE INSPECTOR OF POLICE, ECONOMICS OFFENCE WING (EOW), CHENNAI.
6. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) Nos.14071,14072,14073, 14074, 14075, 14076, 14077 and 14078 of 2021

Date :22/09/2021

msa

<https://hmcg.cer.nic.in/Services/MSA/Case/2021/3P.7C>