



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27/10/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.14241 of 2021

Sivam @ Solaiselvam

... Petitioner/Accused No.10

Vs

The State Rep.by,

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

2.The Inspector of Police
Economic Offence Wing (EOW)
Thanjavur District.
Thanjavur.

... Respondents/Complainants

For Petitioner : Mr.N.Dilip Kumar, Advocate.
for Mr.C.Bharathi, Advocate

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

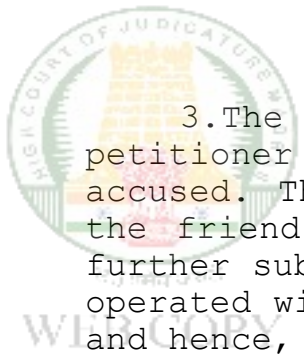
PETITION FOR BAIL Under Sec.439 of Cr.P.C

PRAYER :- For Bail in Crime No.18 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A10, who was arrested on 07.08.2021 for the offences punishable under Sections 406, 420 and 120(b) I.P.C, in Crime No.18 of 2021, seeks bail.

2.The case of the prosecution is that the accused persons by taking advantage of the acquaintance of the defacto complainant, mesmerized the defacto complainant's wife that they are having business at Malaysia, they used to collect deposit in the name of KCL from the public with the permission of RBI, invested the same in the income yielding business, thereby attracted the defacto complainant's family members and received to the tune of Rs.5,94,35,544/- from the wife of the defacto complainant for the rate of attractive interest and cheated them. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner has nothing to do with the offence committed by the named accused. The respondent police on believing that the petitioner is the friend of the accused no.1, roped him in this case. He would further submit that as per the interim order, the petitioner had co-operated with the investigating agency and surrendered on 25.10.2021 and hence, he prays for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that this petitioner is the friend of accused nos.1 and 2. After registration of the case, this petitioner has given asylum to accused nos.1 and 2. The case is now transferred to the Economic Offence Wing. The petitioner appeared before the investigating agency and the learned Additional Public Prosecutor produced the report of the investigating agency.

5.The learned counsel for the petitioner disputed the same and submitted that the petitioner knew the accused very well, but he did not know about the registration of the case as against the accused persons. Therefore, he has attended some of the calls made by the accused persons. He further submitted that the wife of the accused no.1 and accused no.8 were already released on statutory bail by the Court of Sessions. He would further submit that the petitioner is ready to co-operate with the investigation and that he would reveal all the details which he knew about accused nos.1 and 2.

6.Considering the submission of the learned counsel for the petitioner and the fact that the respondent police enabled the main accused to come out on statutory bail, this Court has granted interim bail to the petitioner till 25.10.2021 on certain conditions.

7.Pursuant to the interim order, the petitioner has appeared before the investigating agency and the investigating agency has also examined the petitioner. It appears that the petitioner has surrendered before the concerned prison on 25.10.2021. The investigating agency has come forward with a report that the petitioner is a friend of the first accused. The first accused appears to have sought for certain assistance from the petitioner. After registration of the case, the first accused has contacted this petitioner through his mobile phone and also dropped his Car in his house. Apart from the above, no other materials were produced as against this petitioner, as of now and he is not having any role in the business activities of the first accused.

8.Considering the overall above facts and circumstances of the case, the report of the investigating agency, the manner in which the petitioner has co-operated with the investigating agency and also the period of incarceration, this Court inclined to enlarge the petitioner on bail.



9. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail on the following conditions.

[a] Since the petitioner has already executed a bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I Kumbakonam, the same shall be used and there is no necessity for any further sureties.

[b] the petitioner shall report before the respondent police once in a week ie. on every Monday at 10.30 a.m. until further orders.

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

[d] the petitioner shall not tamper with the evidence or witness 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]**.

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

sd/-
27/10/2021

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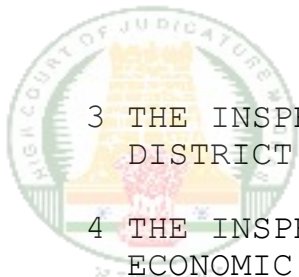
/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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 INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, THANJAVUR DISTRICT.
- 4 THE INSPECTOR OF POLICE
ECONOMIC OFFENCE WING (EOW), THANJAVUR DISTRICT,
THANJAVUR.
- 5 THE SUPERINTENDENT
CENTRAL PRISON, TRICHIRAPPALLI.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.14241 of 2021
Date :27/10/2021

PNM/MSA
MK/SKN/SAR.II/27.10.2021/4P/7C