



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2022

CORAM:

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

CrI.O.P.No.2375 of 2022

S.Srinivasan

...Petitioner

Vs.

The State rep by
The Inspector of Police,
Economic Offence Wing-II,
Guindy, Chennai - 600032.
(Crime No.17 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending investigation, in Crime No.17 of 2021 on the file of the respondent police.

For Petitioner : Mr.J.Ramesh

For Respondent : Mr.N.S.Suganthan
(Government Advocate CrI. Side)

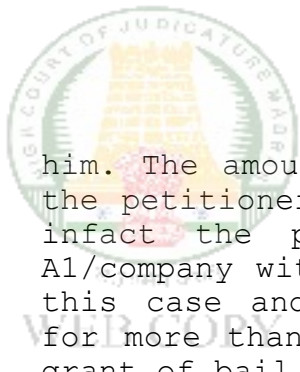
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 03.12.2021 for the offences under Sections 409, 420 read with 34 IPC and Section 5 of TNPID Act, in Crime No.17 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant got acquainted with the named accused persons who were running business in the name and style of MPR Enterprises. The defacto complainant was introduced to A3 by A2 and after which she started her short term trading (6 months) with the named accused persons since 2019. She had received her returns initially, but later, she was cheated by the accused persons. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is arrayed as A5 and he has not committed any offence as alleged by the prosecution and a false case has been foisted against



him. The amount was received only by A2 and A3 and that the name of the petitioner is not found in the FIR. He would further submit that infact the petitioner had also entered into an agreement with A1/company with regard to investment and he is one of the victim in this case and that the petitioner has been suffering incarceration for more than 35 days from 27.12.2021 and hence, he would pray for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would raise objection stating that the petitioner along with other accused on the false promise of doubling the money, collected amount from various persons more than Rs.2 Crores. He would further submit that so far 40 depositor have paid money and that A2 is still absconding. He would further submit that A1 is Company, A2 is Director, A3 is broker and that A4 and A5 are employees under A1 company but admits that the investigation is almost completed.

5. Perusal of record shows that the petitioner has also invested a sum of Rs.15 lakhs as per document dated 04.08.2020.

6. Considering the above facts and circumstances of the case and the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

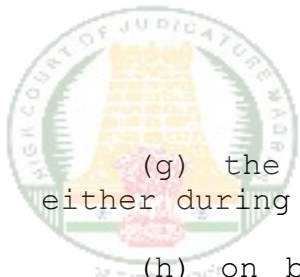
(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the Learned Special Judge TNPID Act, Chennai, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned 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 on every Wednesday at 10.30 a.m. until further orders and co-operate for the investigation as and when required.

(e) the petitioner shall not commit any offences of similar nature;

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



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

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-

03/02/2022

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 SPECIAL JUDGE TNPID ACT,
CHENNAI.

2 THE INSPECTOR OF POLICE,
ECONOMIC OFFENCE WING-II,
GUINDY, CHENNAI 600032.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.J.RAMESH Advocate on payment of necessary charges
SR.No.1748

CRL OP.2375/2022

Date :03/02/2022

CSK 04/02/2022