



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.6056 of 2022

Selvakumaran

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Central Crime Branch,
Team II, EFD-1, Vepery, Chennai
(Crime No.21 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail concerned in Crime No.21 of 2021 pending on the file of Respondent of police.

For Petitioner : Mr.R.Rajan

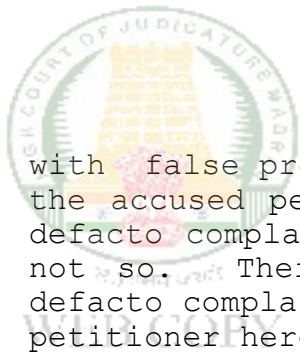
For Respondent : M/s.G.V.Kasthuri
Additional Public Prosecutor

For Intervenor : R.Radha Pandian

ORDER

The petitioner/A12, who was arrested for the offences punishable under Sections 420, 506(1), 109 and 120B of IPC in Crime No.21 of 2021, on the file of the respondent police, seeks bail.

2. Reading of the F.I.R. indicates that the defacto complainant, who is doing Finance to the businessmen in the cine field was represented by one Rudra Babu that he is running a Company by name Swiss Metallica and he is found in possession of rare earth metal iridium worth several lakhs of crores of rupees and compelled the defacto complaint to invest Rs.10,25,00,000/-. The said Rudra Babu was later joined by the other persons by name Amrish, Babu and Hemanth and again, compelled the defacto complainant to invest Rs.60 crores



with false promise that the investment will fetch good profit. Thus, the accused persons have totally received Rs.26,20,00,000/- from the defacto complainant and gave an object claiming as Iridium but it is not so. Therefore, the present complaint alleging that when the defacto complainant asked for the money back, he was threatened by the petitioner herein who is arrayed as A12.

3. According to the prosecution, A12 has not only involved in this case and also he has six criminal cases against him and one case of similar in nature and therefore, the learned Additional Public Prosecutor opposed granting bail to this petitioner, being a notorious person.

4. The defacto complainant counsel also seeks indulgence to intervene in the bail petition.

5. This Court after reading the F.I.R and the investigation conducted so far finds that the case against this petitioner is under sections 406, 420, 506(ii) IPC read with 120B IPC. No overtact has been attributed against this petitioner except the threat thrown by A5 to the defacto complainant saying that he will engage this petitioner, who is a notorious person to finish the defacto complainant.

6. Learned counsel who appeared for the defacto complainant would submit that the confession statement of this accused admitting the receipt of Rs.15,00,000/- to finish off the defacto complainant is incriminating against this petitioner and therefore, bail should not be granted and he also states that if the petitioner is released on bail, there will be threat to the life of the defacto complainant.

7. Taking note of the facts as found in the petition and the submissions made by the learned counsels, this Court, in view of the snail-paced progress in the investigation even after 55 days of arrest of the petitioner, is inclined to grant bail to the petitioner. Accordingly, bail is granted to the petitioner and he is ordered to be released on bail subject to the following conditions;

(a) The petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No-I, Poonamallee.

(b) 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;

(c) the petitioner is directed to stay at Thoothukudi and report before Thoothukudi South Police twice daily at 10.30 a.m. and 04.30p.m. until further orders.



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

WEB COPY

(e) 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];

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

-sd/-
16/03/2022

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 JUDICIAL MAGISTRATE,
NO.I, POONAMALLEE

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
TEAM II, EFD-1, VEPERY, CHENNAI,

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



6 THE INSPECTOR OF POLICE,
/ STATION HOUSE OFFICER,
THOOTHUKUDI SOUTH POLICE STATION,
THOOTHUKUDI.

+1 CC to M/S.R.RAJAN Advocate on payment of necessary charges
SR.NO.4016

CRL OP.6056/2022

Date :16/03/2022

JPA 17/03/2022