



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.8839 of 2022

Wu Yuanlum

... Petitioner

Vs.

State Represented by
Inspector of Police,
CBCID, Cyber Crime Cell,
Egmore, Chennai-08.
(Cr.No.04 of 2021

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail pending trial in C.C.No.3653/2021 on the file of learned XI Metropolitan Magistrate, Saidapet.

For Petitioner : Mr.R.Vivekanandan

For Respondent : Mr.S.Udayakumar
Government Advocate (Crl side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 10.03.2021 for the offences under Sections 294(b), 384, 506(i) of IPC r/w Section 3 & 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act 2003 and Section 67 of Information Technology Act 2000 in Cr.No.4 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner created on-line application in the name of 'My Cash; Cash OK, Paloan etc., and lended money through the mobile application and collected more than the amount actually lent and also threatened the persons who had obtained loan to pay out more money by way of exorbitant interest and cheated the general public for which the present criminal action has been initiated against the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in



jail from 10.03.2021. He further submits that two cases were registered against the petitioner and in one of the case, the petitioner has been granted default bail by the lower Court and that except this case, no other case is pending against the petitioner. Further A1 has already granted bail in Crl.O.P.No.8839 of 2022, dated 20.05.2021. It is further submitted by the learned counsel for the petitioner that the petitioner, in order to show his bona fide, on his own volition, is ready and willing to contribute a sum of Rs.2,00,000/- for the purpose of purchasing chairs and other necessary furnitures to the Courts. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) vehemently opposed the grant of bail by submitting that the petitioner is a foreign citizen and that once bail is granted there are all possibilities of the petitioner moving out of the country. He further submitted that there are two cases registered against the petitioner and in one case default bail was granted by the lower Court and the other case is pending. It is further submitted by the learned Government Advocate that in order to restrict the movement of the petitioner and to stop him from moving out of the borders of the State, G.O.Ms.No.24 dated 21.01.2021 was issued under the Foreigners Act restricting the petitioner's movement in the State and further the said Government Order also provides that the petitioner along with other accused were directed to reside in the Special Camp Identified by the District Collector, Trichy Cantonment.

5. This Court paid its careful consideration to the submissions advanced by the learned counsel on either side. It is borne out by record that in one of the pending case, the petitioner has been granted default bail by the lower court and in the course of time, the petitioner would also be entitled for default bail in the present case as well. In such a scenario, it would not be prudent for this Court to dismiss the bail application of the petitioner, more so, when the petitioner, to show his bona fides, on his own volition, is willing to contribute a considerable sum for purchasing amenities in the Egmore Court. Taking into consideration the above fact and also the further fact that the Government itself, by issuing G.O. Ms. No.24, has restrained the movement of the petitioner in the State, this Court, in the fitness of things is of the considered view that the petitioner could be enlarged on bail on the following conditions :-

6. Accordingly, the petitioner is directed to be released on bail subject to the following conditions:

(a) Within a period of four weeks after the release, the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned XI Metropolitan Magistrate, Saidapet, Chennai ;



(b) the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) through RTGS/NEFT/Cash/Demand Draft in favour of "Registrar General, Madras High Court" for the purpose of utilising the said amount for purchasing and providing chairs and other necessary furnitures to the Magistrate Courts, Egmore and produce proof of such payment to the Trial Court at the time of execution of sureties.

(c) the petitioner is directed to comply with directions and conditions codified by the State Government in G.O.Ms.No.24 dated 21.1.2021.

(d) 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;

(e) the petitioner shall appear before the CB-CID, Trichy, daily at 10.30 a.m. until further orders;

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

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

(h) 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]; and

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

-sd/-

25/04/2022

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 XI METROPOLITAN MAGISTRATE,
SAIDAPET, CHENNAI.



2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
CBCID, CYBER CRIME CELL,
EGMORE, CHENNAI-08.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

5 THE REGISTRAR GENERAL
MADRAS HIGH COURT.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

7 THE OFFICER INCHARGE,
CB-CID, TRICHY.

+1CC to MR.R.VIVEKANANDAN Advocate on payment of necessary
charges SR.No.6215

CRL OP.8839/2022

Date :25/04/2022

CSK 27/04/2022