



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Fifth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M.NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.11584 of 2022

D.BALU @ BALAMURUGAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
ECONOMIC OFFENCE WING-II,
COIMBATORE
(CRIME NO.5 OF 2020)

[RESPONDENT]

For Petitioner : M/S.B.GOPALAKRISHNAN, Advocate

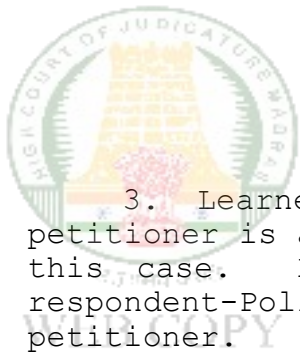
For Respondent : MR.A.DAMODARAN, Additional public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/A5, who was arrested and remanded to judicial custody on 28.03.2022 for the alleged offences under Sections 120(B), 409 and 420 of I.P.C in Crime No.5 of 2020 on the file of the respondent police, seeks bail.

2. The contention of the petitioner is that he is only a commission agent and he had worked for commission. What ever money he had collected from the depositors, he handed over the same to the Director of the Company and the same has been accounted. The petitioner earned only meagre amount of commission and nothing more. In this case, A2 is the Director of the A1 Company and he was arrested. A3 is the wife of A2 and another Director of A1 Company is at large. As regards A4 to A8, they are commission Agents. The respondent-Police is well aware of the fact that the petitioner is only a commission Agent and his role is to the tune of around 80 Lakhs. He has canvassed and handed over the money to the A1 Company.



3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged by the respondent-Police. Hence, he seeks for grant of bail to the petitioner.

4. Learned Additional Public Prosecutor submitted that in this case, 50 complaints have been so far received stating that A1 Company had cheated them to the tune of Rs.2,53,80,550/-. Further, more complaints are pouring in. He further submitted that the investigation is in progress. However, he vehemently opposed for granting bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also the fact that the petitioner is only a commission Agent and also he has already suffered incarceration for nearly 58 days, this Court is inclined to grant bail to the petitioner subject to following conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, for a like sum to the satisfaction of the learned Special Court under TNPID Act, Coimbatore and on further conditions 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., for a period of two weeks and thereafter as and when required for interrogation until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond 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 petitioners 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/-
25/05/2022

WEB COPY

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 COURT UNDER
TNPID ACT, COIMBATORE.

2 THE INSPECTOR OF POLICE,
ECONOMIC OFFENCE WING-II,
COIMBATORE

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S B.KUMARASAMY Advocate on payment of necessary
charges SR.NO.7842

CRL OP.11584/2022

Date :25/05/2022

JPA 26/05/2022