



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.OP.No.13078 of 2022

1.K.Shanthi
2.Manikandan

..Petitioners

Vs.

State rep by
The Deputy Superintendent of Police,
Economic Offence Wing-II,
Villupuram,
Villupuram District
crime No.1 of 2019

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in crime No.1 of 2019 pending investigation on the file of the respondent police.

For Petitioners : Mr.G.Murugendran
for Mr.N.Sathyanarayanan

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial custody on 18.05.2022 for the offence punishable under Sections 406, 420, 120(B) of IPC and Section 5 of TNPID Act, 1997 in crime No.1 of 2019 on the file of the respondent police, seek bail.

2. It is the case of the prosecution that A1 along with two others started a company in the name and style of "Alwyn Golden City Limited" in the year 2008-2009 and have collected Rs.1,70,87,495/- from the defacto complainant and general public for allotment of house plots. Thereafter, neither they returned the above said amount, nor allotted the house plots as agreed by them. Hence, the case.



3. The learned counsel appearing for the petitioner would submit that there are totally eleven accused, in which the petitioners are arrayed as A9 and A11. The crime is of the year 2015 to 2019 and the FIR was registered in crime No.1 of 2019 in the year 2019 for the offence under Sections 406, 420, 120(B) of IPC and Section 5 of TNPID Act, 1997. Insofar other accused 1, 2, 3, they are the Directors of "Alwin Golden City Limited". A1 and A3 were arrested and released on bail and subsequently A1 died. As far as A2 is concerned, she was granted anticipatory bail by this Court in CrI.OP.No.18457 of 2019 by order dated 07.08.2019. Only on the confession of co-accused, the petitioners have been implicated as accused and they were arrested and remanded to judicial custody on 18.05.2022 for the crime committed in the year 2019. They are nothing to do with the crime as alleged by the prosecution. Even according to the case of the prosecution, A1 to A3 only collected money from general public and cheated them. The petitioners are neither Directors nor partners of the said "Alwin Golden City Limited".

4. The learned Additional Public Prosecutor would submit that the petitioners are brother and sister of A2 and the entire money have been collected by them and cheated the general public to the tune of about Rs.4,85,00,000/-

5. On perusal of the records revealed that the offence committed from the year 2015 to 2019. There are totally 11 accused, in which the petitioners are arrayed as A9 and A11. Admittedly, they are not the Directors of the Company and they are brother and sister of the second accused. In fact, the second accused was granted anticipatory bail by this Court in CrI.OP.No.18457 of 2019 by order dated 07.08.2019. That apart, A1 and A3 were arrested and released on bail and subsequently A1 died.

6. Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of Rs.50,000/- (Rupees fifty thousand only) (each) with two sureties, each for a like sum to the satisfaction of the Special Court for TNPID Act Cases, Chennai 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 petitioners shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation

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



[d] the petitioners shall not tamper with 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

09/06/2022

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 COURT FOR TNPID ACT CASES,
CHENNAI.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
ECONOMIC OFFENCE WING II,
VILLUPURAM, VILLUPURAM DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON II, PUZHAL.

5 THE SUPERINTENDENT,
SPECIAL PRISON FOR WOMEN, PUZHAL.

+2CC to M/S.N.SATHYANARAYANAN Advocate on payment of necessary charges SR.No.8677

CRL OP.13078/2022

Date :09/06/2022

CSK 10/06/2022