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CrI.O.P.No.21675 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2022

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THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.21675 of 2022

Muthuraja

... Petitioner

Vs.

The State of Tamil Nadu,
Represented by,
The Deputy Superintendent of Police,
Economic Offences Wing - II, Head Office, Ashok Nagar
Chennai - 600083.

(Crime No.12 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail pending investigation in
Crime No.12 of 2022 on the file of the respondent police.

For Petitioner : Mr.P.Rathnavel

For Respondent : Mr.C.E.Pratap
Government Advocate (CrI.Side)

For Intervener : Mr.D.Padhmanabhan



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.07.2022 for the offences punishable under Sections 420, 120 B IPC & Section 5 of TNPID Act, 1997, in Crime No.12 of 2022 on the file of respondent police, seeks bail.

2. The case of the prosecution is that the accused, who had started a company in the name of Nobel Legacy Management Private Ltd, had induced the several gullible people to deposit in their company and cheated them by not paying the amount running to several crores. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is only an employee of the company. Initially he was appointed as Business Development Manager and later he was promoted as the Vice President. He would also submit that other than being an employee of the accused company, he has no role in respect of the financial dealings.



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He was only employed for a salary. He would also submit that other than the house and car in the name of the petitioner, there is no other property either in his name or in the name of his family members and he is prepared to file an affidavit stating that other than the properties mentioned, he has no other property and in the event of the respondent later finding that the petitioner has any property in his name, the respondent are entitled to file suitable application for cancellation of bail of the petitioner. He would reiterate that since, he happens to be the employee of the Company, he has been implicated in this case and he would also submit that he is ready to cooperate with the respondent in the investigation. Hence, he seeks for grant of bail to the petitioner.

4. The learned counsel would further submit that the entire case is borne out by documents. He would further submit that the petitioner is in custody from 28.07.2022 and further custody of the petitioner may not be required any more. Hence he prays for grant of bail to the petitioner.

5. The respondent has filed the counter.



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6. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that petitioner is the Vice President of the company and he is the brain behind and instrumental in cheating and he has given the idea and scheme to the other accused and based on which, the victims were lured to deposit their amount in the accused company. The petitioner ranked as A8 has collected upto Rs.75 Crores from as many as 130 persons. He would also submit that some of the accused are yet to be apprehended and he would vehemently oppose to grant bail to the petitioner.

7. The learned counsel for the Intervener would submit that the accused is the main person in the scam and he is the person who introduced various schemes to the other accused and thereby, they cheated the victims. Hence, he vehemently oppose to grant bail to the petitioner.

8. Heard both the learned counsel for the petitioner and the intervener and the learned Government Advocate (Crl.Side) and perused the materials available on record.



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9. Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsel, this Court is inclined to grant bail to the petitioner on certain conditions.

10. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.50,000/- (Rupees Fifty thousand only)** with two sureties (out of which, one surety should be a blood related surety and should produce document to show his/her means), each for a like sum to the satisfaction of the **learned TNPID Court, 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 petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of four weeks and thereafter, every Monday and Friday at 10.30 a.m., until further orders;



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[c] the petitioner shall within 10 days of coming out on bail file an affidavit disclosing his assets both immovable and movable before the TNPID Court, and he shall file an affidavit of understanding not to dispose the same, until further orders and that in the event of the respondent finding any suppression, they are entitled to file an appropriate petition for cancellation of bail.

[d] the petitioner, within 10 days of coming out on bail shall surrender his passport before the TNPID Court (in the event, he does not possess passport, he shall file an affidavit stating that he does not possess passport)

[e] the petitioner shall not abscond either during investigation or trial;

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[g] 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



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in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;

[h] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

29.09.2022

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To

1. The TNPID Court,
Chennai.
- 2.The Deputy Superintendent of Police,
Economic Offences Wing - II, Head Office, Ashok Nagar
Chennai - 600083.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.

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