



Crl.O.P.No.21711 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2022

CORAM

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

Crl.O.P.No.21711 of 2022

1. Kamatchi

2. Vikneshwaran

... Petitioners

Vs.

1. The State represented by,
The Assistant Commissioner of Police,
Central Crime Branch,
Maraimalai Nagar Police Station,
Tambaram District.
(Crime No.431 of 2022)
(now transferred to)

2. The Inspector of Police,
Central Crime Branch,
T-9, Maraimalai Nagar Police Station,
Tambaram District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners/accused on bail pending investigation in
Crime No.431 of 2022 on the file of the second respondent police.



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For Petitioners : Mr.R.Rajarajan
For Respondents : Mr.C.E.Pratap
Government Advocate (Crl.Side)
For Interveners : Mr.K.Gowthaman &
Mr.S.Vijay

ORDER

The petitioners, who were arrested and remanded to judicial custody on 16.08.2022, for the offence under Sections 403, 406, 420 465 IPC r/w 34 IPC, in Crime No.431 of 2022 on the file of second respondent police, seek bail.

2. The case of the prosecution is that the petitioners induced the de-facto complainant and others with fancy schemes and made them to invest with the assurance that they will get good returns and their investment are safe. Believing their sugar coated words, the de-facto complainant and other victims have invested the amount to the tune of Rs.93,00,000/-, whereas, the petitioners failed to repay the same as assured. On demanding the money, the petitioners have issued a documents and cheque and projected, as if they are



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they are the business partners of IKOT Maharajan and when the cheques were presented for collection, they were returned unpaid. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they themselves are the victims. He would further submit that on believing one IKOT Maharajan, an You Tuber and Financial Advisor, they have invested amount in several schemes and initially, they got good returns and on seeing the same, the de-facto complainant and others have also deposited the money with them and later, it came to light that the petitioners as well as other investors including the de-facto complainant were cheated by the said IKOT Maharajan and that is why, the petitioners were unable to repay the money to the investors. He would also submit that necessary affidavits have been filed by the husband and father-in-law of the first petitioner and the wife of the second petitioner stating that they are ready to settle the parties by selling their properties and to show their bonafide they have also repaid a sum of Rs.15,00,000/- to some of the victims. Hence, he prays for grant of bail to the petitioners.



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4. The learned Government Advocate (Crl.Side) appearing for the respondents would submit that the petitioners have induced the several investors under the guise of giving huge return received money and cheated the investors. He would further submit that yet another case has been registered against the petitioners and others in Crime No.446 of 2022 on the file of the CCB, Tambaram for cheating the investors to the tune of Rs.59,00,000/-.

5. In reply, the learned counsel for the petitioner would submit that as far as this case is concerned all the investors have filed necessary affidavits agreeing to compromise the matter with the petitioners and they have also been repaid part of the amounts invested. He would further submit that the petitioners are in custody from 16.08.2022 and the entire case of prosecution is borne out by documents. He would also submit that the petitioners have given an undertaking to the investors that once they come out, they will settle the issue. He would also reiterate the petitioners themselves are also victims of the said IKOT Maharajan and hence, he prays for grant of bail to the petitioners.



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6. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) and perused the materials available on record including the affidavits filed by the father-in-law and husband of the first petitioner and the wife of the second petitioner and also the affidavit filed by the victims numbering to 8, in respect of Crime No.431 of 2022.

7. The part amount paid by the petitioners to all the victims is tabulated hereunder:-

S.No	Victim Names	Amount invested by the victims	Amount returned by A2 & others	Balance to be paid by A2 & others
1.	D.Nithara	23,10,000/-	12,70,000/-	10,40,000/-
2.	S.Venmathi	65,24,000/-	27,00,000/-	38,24,000/-
3.	S.Lakshmi	1,55,10,000/-	46,00,000/-	1,09,10,000/-
4.	M.Senthil Kumar	59,00,000/-	6,00,000/-	53,00,000/-
5.	R.Sivasankari	16,50,000/-	4,50,000/-	12,00,000/-
6.	M.Prabhakar	11,00,000/-	5,00,000/-	6,00,000/-
7.	T.Kavitha	14,60,000/-	7,90,000/-	6,70,000/-
8.	Karthiban	34,10,000/-	3,50,000/-	30,60,000/-
9.	Farzana Santhosh	11,00,000/-	5,50,000/-	5,50,000/-
Total		3,89,64,000/-	1,18,10,000/-	2,71,54,000/-



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8. The learned counsel for the interveners have also acknowledged that the de-facto complainant and other victims have been repaid part amount and that they have no objection in bail being granted and the necessary affidavits have also been filed by them.

9. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also considering affidavits filed by the petitioners as well as the victims, this Court is inclined to grant bail to the petitioners on certain conditions.

10. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty five thousand only)** each with two sureties, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Chengelpet**, and on further conditions that:

[a] the sureties shall affix their photographs and
Left Thumb Impression in the surety bond and the



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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, everyday 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.

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To

1. The Judicial Magistrate No.II,
Chengelpet.
2. The Assistant Commissioner of Police,
Central Crime Branch,
Maraimalai Nagar Police Station,
Tambaram District.
3. The Inspector of Police,
Central Crime Branch,
T-9, Maraimalai Nagar Police Station,
Tambaram District.
4. The Central Prison,
Puzhal, Chennai.
5. The Central Prison for women,
Puzhal, Chennai.
6. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.

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