



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CrI.O.P.No.25611 of 2021

Moorthy

...Petitioner

Versus

The State, represented by
Inspector of Police,
Central Crime Branch,
Salem.
(Crime No.15 of 2020)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No.15 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 420 and 506(i) of IPC, in Crime No.15 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner's brother Vimal is running Sahana gold Company, he along with his parents solicited investment from the public by calling many investors by alluring attractive scheme that an investment of Rs.1 lakh will be returned as Rs.2,245/- per day for 90 days (i.e.Rs.2,02,050/- in 90 days) and that in another scheme, if Rs.1 lakh is invested 1 gram of gold would returned for 90 days. The defacto complainant, one Muniyammal invested Rs.28 Lakhs, for which, Rs.3 lakhs only returned to the defacto complainant. Neither the balance amount nor gold coins were given to the defacto complainant. Subsequently, the said Vimal absconded. When the defacto complainant went to the house of the Vimal, his mother, father and the petitioner scolded the defacto complainant and also abused her and also threatened her to do away and thereby cheated. Hence, the complaint.



3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is the brother of A1 and co-accused had already been granted anticipatory bail by this Court in CrI.O.P.No.19486 of 2020 dated 19.04.2021. The learned counsel, on instructions, would further submit that the petitioner, without prejudice to his rights, is ready to deposit the amount of Rs.1,00,000/- to the credit of the crime number. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner along with other accused persons had collected huge amount from the public and cheated them including the defacto complainant more than Rs.59,29,000/-. He further submitted that the investigation is almost completed. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the fact that co-accused had already granted anticipatory bail by this Court and the investigation is almost completed and the petitioner is ready to deposit a sum of Rs.1,00,000/- to the credit of crime number, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate Court No.IV, Salem, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Cr.No.15 of 2020 before the learned Judicial Magistrate Court No.IV, Salem, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier.

[b] the petitioner and 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.



[c] the petitioner is directed to appear before the respondent police on every Saturday at 10.30 a.m., until further orders. .

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

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

[f] 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].

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

-sd/-

05/01/2022

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 JUDICIAL MAGISTRATE, NO.IV, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM (FOR INFORMATION)

3 INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S C.PRABAKARAN Advocate on payment of necessary charges

CRL OP.25611/2021

Date : 05/01/2022

RVR 07/01/2022