**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : **30.11.2022**

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

**Crl.OP.No.28739 of 2022**

K.Ramesh @ Rameshkumar ... Petitioner

Vs.

State represented by
The Deputy Superintendent of Police,
Economic Offence Wing,
Ashok Nagar,
Chennai District.
(Crime No.19 of 2022) ... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C., pleased to enlarge the petitioner on bail concerned in Crime No.19 of 2022 on the file of the Deputy Superintendent of Police, Economic Offences Wing, Ashok Nagar, Chennai.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.C.E.Pratap,
Government Advocate (crl.side),

**ORDER**

The petitioner, who was arrested and remanded to judicial custody on 31.10.2022 for the offences punishable under Sections 420 of IPC r/w Sections 21(3) and 23 of BUDS Act, 2019 and Section 5 of TNPID Act, 1997 in Crime No.19 of 2022 on the file of respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant one Syed Riyaz is that the main accused/A2 had given an advertisement in the paper that he was engaged in the Property Management and had informed that they have got some houses for lease. Believing their words, the defacto complainant had deposited an amount of Rs.9,00,000/- and took possession of the house. Later, after a few months, the original owner of the house came and informed him that their house was given for monthly rent and that the monthly rent was not paid. Thereafter, it came to light that the accused had cheated the defacto complainant to the tune of Rs.9,00,000/- and that he had given a complaint before the respondent police against them. Later, during the course of investigation, it was found that the main accused along with the other accused, who are the Directors of the company, had cheated several

persons to the tune of Rs.17,57,75,136/-. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has nothing to do with the alleged offence. He would submit that A2 had promoted the company in the name and style of "Guru Realities" and the petitioner is working as a surveyor in the said company. He would submit that the job of the petitioner was to visit the houses and to give report to the company. Therefore, the petitioner had visited the house and had given report to that company and he was paid salary of Rs.20,000/-. Later, the petitioner came to know that A2 in the guise of running a company, had cheated several house seekers as well as the owners of the houses. He would submit that the petitioner is still residing in the rental premises and that A2 is still at large. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (crl.side) appearing for the respondent would submit that the petitioner is an employee of A2 and the A2

had promoted a fake company and by advertising it in the paper and cheated several house seekers as well as the owners of the houses to the tune of Rs.17,57,75,136/-. He would submit that A2 is still at large and the investigation is pending. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and circumstances of the case and also considering the fact that the petitioner is only an employee of A2, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties,** each for a like sum to the satisfaction of the **Special Court under Tamil Nadu Protection of Interests of**

**Depositors (in Financial Establishment) Act, 1997** 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;

**[c] the petitioner shall report before the respondent Police daily at 10.30 am and 5.30 pm, until further orders;**

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

[e] the petitioner shall not tamper with evidence or witness 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];**

**A.D.JAGADISH CHANDIRA,J.**

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

**30.11.2022**

shk

To

1. The Special Court under Tamil Nadu
   Protection of Interests of Depositors
   (in Financial Establishment) Act, 1997

2.The Deputy Superintendent of Police,
   Economic Offence Wing,
   Ashok Nagar,
   Chennai District.

3. The Central Prison,
   Puzhal.

4. The Public Prosecutor,
   High Court of Madras.

**Crl.O.P.No.28739 of 2022**