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Crl.OP.No.29215 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

CORAM

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

Crl.OP.No.29215 of 2022

1.Saranraj
2.P.Venugopal

... Petitioners

Vs.

State of Tamil Nadu
The District Crime Branch
Thiruvallur, Thiruvallur District.
Crime No.63 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners on bail, in the case pending investigation in
Crime No.63 of 2022 on the file of the respondent police.

For Petitioners : Mr.R.Thamarai Selvan

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 21.10.2022 for the offences punishable under Sections 120(b), 420 of IPC and Section 5 of the Protection of Interest of Depositors (in Financial Establishment) Act 1997 in Crime No.63 of 2022 on the file of respondent police, seek bail.

2. The case of the prosecution as per the defacto complainant is that the accused in the guise of conducting chits, had collected a sum of Rs.18,000/- and cheated him. Later, during the course of investigation, it came to light that the accused A1 had floated the company in the name and style of “J.P.Store Agencies” and collected the amount to the tune of Rs.18 crores from several persons and thereafter, they had absconded. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are employees in the said company. The first petitioner is working as a manager and the second petitioner is working as supervisor. He



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would submit A1 had induced the petitioners that he is running a financial company and he will give job to the petitioners in that company. Believing the words of A1, the petitioners had joined the company, other than that they are no way connected with the alleged offence. Therefore, he prays to grant bail to the petitioners.

4. The learned Government Advocate (crl.side) appearing for the respondent would submit that the first petitioner is the close relative of the A1 and the second petitioner is only a supervisor in the A1's company. Hence, he vehemently opposed to grant bail to the petitioners.

5. At this juncture, learned counsel for the petitioners would submit that he seeks permission of this Court to withdraw this petition in respect of the first petitioner and he also made an endorsement to that effect.

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



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7. Taking into consideration of the facts and circumstances of the case and also considering the fact that the first petitioner is the close relative of the A1 and the second petitioner is only a supervisor in the A1' company, this Court is inclined to grant bail to the second petitioner with certain conditions and as far as the first petitioner is concerned, this petition is dismissed as withdrawn.

8. Accordingly, the second 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**, each for a like sum to the satisfaction of the **learned Judicial Magistrate Court No.I, Thiruvallur** 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 second petitioner shall report before the respondent police every day at 10.30am until further orders;



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

[d] the second petitioner 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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]**;

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

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A.D.JAGADISH CHANDIRA,J.

shk

To

1. The learned Judicial Magistrate Court No.I, Thiruvallur
- 2.The District Crime Branch
Thiruvallur, Thiruvallur District.
- 3.The Central Prison,
Puzhal
4. The Public Prosecutor,
High Court of Madras.

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