



Crl.O.P.No.6841 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2023

CORAM

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

Crl.O.P.No.6841 of 2023

A.Felix Bernard

... Petitioner

Vs.

State represented by
The Inspector of Police,
CCB, Coimbatore City
Coimbatore.

(Crime No.5 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to grant bail to the petitioner in Crime No.5 of 2023 pending
investigation on the file of the respondent police.

For Petitioner : Mr.M.Jaikumar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.02.2023, for the offences punishable under Section 420 IPC and Section 5 of TNPID Act in Crime No.5 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Pradeep Raj is that the accused had induced him by saying that if he invests in online trading, he would get a good profit and thereby, taken a sum of Rs.8,00,000/- from him and on enquiry, it was found that the accused have also cheated 24 investors, to the total amount of Rs.71,60,000/-. Hence this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely roped in this case. He would submit that there was financial dispute between the petitioner and the defacto complainant and a false case has been given against him. He would submit that it is not the case of deposit of money. The defacto complainant and other persons have deposited in online trading and since



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they have lost their money in shares, they have given a false complaint. He would submit that the petitioner was arrested on 28.02.2023 and he is in judicial custody for more than 47 days and major part of the investigation is also completed. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the petitioner, along with other accused, under the guise of giving more profits, in online trading, had received money to the tune of Rs.8,00,000/-, from the defacto complainant. Apart from the defacto complainant, they have also cheated 24 other depositors to the tune of Rs.71,60,000/-. He would submit that the investigation is still pending and he would object for grant of bail to the petitioner.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and



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also considering the period of incarceration undergone by the petitioner, 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.10,000/- (Rupees Ten Thousand Only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Special Judge, Special Court under TNPID Act, Coimbatore**, 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 Station, everyday at 10.30 a.m., until further orders;

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

[d] the 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 petitioner in accordance



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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]***;

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

17.04.2023

gbi

To

1. The Special Judge, Special Court
under TNPID Act, Coimbatore.
- 2.The Inspector of Police,
CCB, Coimbatore City
Coimbatore.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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