



Crl.O.P.No.7265 of 2023

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RMT.TEEKAA RAMAN,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 406, 420, 109 and 120(B) of IPC, in Crime No.47 of 2022, on the file of the respondent, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused had jointly promoted the Companies namely Great India Trading Academy and Great India Marketing Company induced the gullible persons totally 7547 depositors, with fancy schemes with an assurance that they will get good returns and made them to invest in their Company and cheated them to the tune of Rs.86 crores. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is a BT Assistant and he is not a Director in the said Great India Trading Academy and Great India Marketing Company and the names of the Directors have also been clearly mentioned in the FIR and



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his is no way connected with the offence as alleged by the prosecution.

He would further submit that the petitioner has attended the enquiry conducted by the Investigating Officer pursuant to the notice under Section 41A of Cr.P.C. He also relied upon the orders passed by this Court in respect of the co-accused in Crl.O.P.No.8875 of 2023 dated 27.04.2023 and Crl.O.P.No.11818 of 2023 dated 24.05.2023, wherein the co-accused have been granted bail on deposit of original title deed of immovable property not less than the value of Rs.10 lakhs stands in the name of the petitioner or relatives or his friends to the credit of the Crime No.47 of 2022. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The Investigating Officer has filed a counter affidavit alleging that in respect of the particular Company, the case has been registered in Crime No.47 of 2022 for the alleged offence under Sections 406, 420, 109 and 120(B) of IPC and in so far they have examined 66 witnesses. It is seen that in the previous occasion, the question has been put to the Public Prosecutor that whether the petitioner is a Director of



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the said Companies. In this regard, at Paragraph No.3 of the counter, the Investigating Officer has stated that based upon the confession statement of the arrested accused namely Senthilkumar (A8), Prabavathi (A3) and Anbu (A9), the present petitioner's name has been included.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsels and also taking note of the fact that the petitioner is ready to deposit original title deeds of documents of immovable property worth of Rs.10 lakhs at the time of furnishing the sureties, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, **the petitioner is directed to deposit the original title deeds of an immovable property not less than the value of Rs.10 lakhs (standing in the name of the petitioner or his relatives**



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or his friends) to the credit of Crime No.47 of 2022, without prejudice to his rights and contentions before the Trial Court and on such deposit, 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 **learned Judicial Magistrate No.I, Tindivanam**, 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 on weekly twice (the date fixed by the Investigating Officer) for a period of four weeks initially.

[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



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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 abscond, a fresh FIR can be registered under Section 229A IPC.

08.08.2023

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