



WEB COPY



Crl.O.P.No.8354 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2023

CORAM

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

Crl.O.P.No.8354 of 2023

Sumslathieftheen

... Petitioner

Vs.

The State rep. by

1.The Deputy Superintendent of Police,
EOW-II Vellore,
Gandhi Nagar,
Vellore - 632 001.

2.The Inspector of Police,
EOW Thiruvannamalai,
Thiruvannamalai District.
(Crime No.1 of 2023)

... Respondents

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the case in Crime
No.1 of 2023 pending on the file of the respondent police.

For Petitioner : Mr.R.Thamarai Selvan

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



Crl.O.P.No.8354 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.02.2023 for the offences punishable under Sections 120B, 406, 420 r/w 34 of IPC, Section 5 of the TNPID Act 1997, Section 21(3), 23, 25 of the BUDS Act 2019 and Section 76 of the Chit Funds Act 1982 in Crime No.1 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Megala is that the accused, who was run a chit fund in the name of CVRS Chits Private Limited, Cheyyear, had induced her and several other persons numbering 22,000 and received deposit from them and cheated them to the tune of more than Rs.50 crores. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely roped-in in this case, since he happens to be the brother of the main accused. He further submitted that the petitioner's brother one Samsumaidheen was running three companies in the name of CVRS Chits Private Limited, VRS Finance and New VRS Finance and all the companies were registered in his name and he was independently



Crl.O.P.No.8354 of 2023

doing the business and the Chits were also registered and run as per the Government Rules, whereas, due to slum in the business, was unable to repay the customers thereby the case has been registered and the entire family members have been falsely implicated in this case and the petitioner has been arrayed as A10 in this case. He also submitted that the major part of the investigation has been completed and the petitioner is in judicial custody from 27.02.2023. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner is the younger brother of A4. The petitioner along with other accused as a family had promoted three companies and they have received deposit and chit amount from the almost 22,000 customers and cheated to the tune of Rs.50 crores. He submitted that there is no recovery from the accused and during the course of investigation, out of the amounts collected by the main accused, the petitioner has purchased 17 buses in his name and later, he had also sold the buses and he has also not deposited the amounts to the company of the main accused. Hence, he opposed for grant of bail to the petitioner.



Crl.O.P.No.8354 of 2023

WEB COPY

5. In reply, the learned counsel for the petitioner submitted that the petitioner, other than being the younger brother of A4, has no role to play. He also submitted that without prejudice, the petitioner is ready and willing to deposit the original title deeds of immovable property to the market value of Rs.3 crores accompanying with VAO certificate for valuation at the time of furnishing sureties. Hence, he prayed for grant of bail to the petitioner.

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

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, **the petitioner is directed to deposit the original title deeds of immovable property (market value of Rs.3 crores) (standing in the name of the petitioner or his relatives or his friends),**



Crl.O.P.No.8354 of 2023

which is supported by the valuation certificate issued by the Revenue Authorities to the credit of Crime No.1 of 2023, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, 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 Judicial Magistrate TNPID Court at Chennai**, 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, 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 with law as if the conditions have been imposed and the



Crl.O.P.No.8354 of 2023

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.

19.04.2023

vkrr

To

- 1.The Judicial Magistrate TNPID Court, Chennai.
- 2.The Deputy Superintendent of Police,
EOW-II Vellore,
Gandhi Nagar,
Vellore - 632 001.
- 3.The Inspector of Police,
EOW Thiruvannamalai,
Thiruvannamalai District.
- 4.The Central Prison, Puzhal.
- 5.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.8354 of 2023

A.D.JAGADISH CHANDIRA.,J.

vk

Crl.O.P.No.8354 of 2023

19.04.2023