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Crl.O.P.Nos.8267 & 8255 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.Nos.8267 & 8255 of 2023

M.Kanaga .. Petitioner in Crl.O.P.No.8267 of 2023

M.Karthick .. Petitioner in Crl.O.P.No.8255 of 2023

Vs.

The State represented by
The Deputy Superintendent of Police,
Economic Offences Wing,
Namakkal District.

(Crime No.01 of 2019). ... Respondent in both

COMMON PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., pleased to enlarge the petitioners on bail, in connection with the Crime No.01 of 2019, pending investigation on the file of the respondent Police.

For Petitioners : Mr.P.Jesus Moris Ravi

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

COMMON ORDER



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that the petitioner in Crl.O.P.No.8267 of 2023 is arrayed as A9 and the petitioner in Crl.O.P.No.8255 of 2023 is arrayed as A8. He would submit that the petitioners are mother and son respectively. The petitioner namely Kanaga is also a victim of A1 company. The petitioners have deposited amounts to the tune of Rs.11,34,000/- into the account of the main accused. However, the respondent falsely alleging that the petitioner/A9 is the mother of A8 and A8 was the Branch Manager of Vadapalani Branch and they have collected deposits from 60 persons have arrested them. He would submit that a property worth more than Rs.1,05,21,100/- was attached and the petitioners have filed an application before the learned Special Court challenging the order and the learned Special Judge had directed the release of the documents in favour of the petitioners. He would submit that the petitioners also understands that the total amount alleged to have been cheated by the main accused is more than Rs.6,93,54,579/- and the properties attached from the main accused is more than Rs.10 Crores which is sufficient to settle the other victims and he would submit that the petitioners are in custody from 24.03.2023 and the investigation has been completed and the charge sheet has been filed and only after filing of the charge sheet the petitioners have been arrested. Hence, he prayed to grant bail to the petitioner.



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4. The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the petitioners are respectively arrayed as A8 and A9. A8 is the Branch Manager of the Vadapalani Branch and he along with his mother/A9 had collected deposits from 60 victims to the tune of Rs.1 Crore and above. However, the investigation has been completed and the charge sheet has been filed before the appropriate Court.

5. Heard the learned Counsel for the petitioners 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, the submissions made by the learned counsel for the petitioners and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on her executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five**



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Thousand Only) each 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 petitioners shall report before the respondent Police Station, everyday at 10.30 a.m., for a period of one week and thereafter, report before the learned Special Court at 10.30 a.m., for a period of one week and thereafter on the dates fixed by the learned trial Court;

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

[d] the petitioners shall not tamper with the 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 petitioners 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]*;



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

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To

1. The Special Judge,
Special Court under TNPID Act,
Coimbatore.
2. The Deputy Superintendent of Police,
Economic Offences Wing,
Namakkal District.
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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