



Crl.O.P.No.8875 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2023

CORAM

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

Crl.O.P.No.8875 of 2023

Senthilkumar

... Petitioner

Vs.

The State represented by
The Inspector of Police,
D.C.B. P.S., Villupuram,
Villupuram District.

(Crime No.47 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in connection with the Crime No.47
of 2022, pending investigation on the file of the respondent Police.

For petitioner : Mr.A.N.Rajan

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



Crl.O.P.No.8875 of 2023

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ORDER

The petitioner, who were arrested and remanded to judicial custody on 17.03.2023, for the offences punishable under Sections 406, 420, 109, 120-B of IPC, in Crime No.47 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused has had jointly promoted the Companies named 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 by not repaying the same. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner is only an employee of the accused company, who was managing the accounts of the company and other than managing the accounts, the petitioner has nothing to do with the affairs of the company. He also submitted that the petitioner himself is a victim of



Crl.O.P.No.8875 of 2023

circumstances, who has also deposited a sum of Rs.19lakhs in the company, whereas, he was unnecessarily roped into this case by the main accused. He also submitted that the petitioner is not the main person in the company and he is in custody from 17.03.2023 and also submitted that major part of the investigation has been completed. Hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Crl.side) appearing for the respondent police submitted that the petitioner, who is an employee of the company named Great India Trading Academy and Great India Marketing Company, along with other accused induced many gullible persons with the fancy schemes and made them to deposit in their company and cheated them, thereby, nearly 7547 depositors have deposited a sum of Rs.86 crores in the accused company and they have got cheated by the accused. He also submitted that as far as this petitioner is concerned, he had induced about 243 depositors and made them to deposit a sum of Rs.3 lakhs. Further, the learned Government Advocate (Crl.Side) fairly conceded that the petitioner herein has deposited a sum of Rs.19 lakhs in the said company. However, he opposed for grant of bail to the petitioner.



Crl.O.P.No.8875 of 2023

WEB COPY

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, in order to show his bonafide, without prejudice to his defense and contention, is ready and willing to deposit the original title deeds of an immovable property worth about Rs.10 lakhs, before the Court concerned. Therefore, he prayed to grant 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 fact that the petitioner is volunteered to deposit original title deeds of an immovable property worth about Rs.10 lakhs to the credit of this crime number, 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 an immovable property not less than the value of Rs.10**



Crl.O.P.No.8875 of 2023

lakhs (standing in the name of the petitioner or his relatives 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;

[b] the petitioner shall report before the respondent Police Station, everyday at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday 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 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 petitioner in accordance



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Crl.O.P.No.8875 of 2023

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

27.04.2023

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To

1. The Judicial Magistrate No.I,
Tindivanam.
2. The Inspector of Police,
D.C.B. P.S.,
Villupuram,
Villupuram District.
3. The Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.8875 of 2023

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.8875 of 2023

27.04.2023