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Crl.O.P.Nos.12582 and 12584 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2023

CORAM

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

Crl.O.P.Nos.12582 and 12584 of 2023

S.Muthurani
Sreesaravankumar

... Petitioner in Crl.O.P.No.12582 of 2023
... Petitioner in Crl.O.P.No.12584 of 2023

Vs.

State rep by
The Inspector of Police,
DCB Police Station,
Thiruvallur.
Crime No.15 of 2023

... Respondent in both Crl.OPs.

COMMON PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioners on bail pending investigating in Crime No.15 of 2023 on the file of the respondent.

In both Crl.O.Ps.

For Petitioners : Mr.A.Kowsik Raghu Rajaa

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



COMMON ORDER

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The petitioners, who were arrested and remanded to judicial custody on 20.05.2023 for the offences punishable under Sections 406, 420, 506(1), 120 of IPC and Section 5 of TN Protection of Interest of Depositors (In Financial Establishment) Act, 1997 in Crime No.15 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the accused by advertising fancy financing schemes, have collected amount to the tune of Rs.13,95,000/- from several persons and thereafter, cheated them. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioner in Crl.O.P.No.12854 of 2023 is arrayed as A3 he is the brother of A1 and that the petitioner in Crl.O.P.No.12582 of 2023 is arrayed as A5 and she is the wife of A3. He would submit that the financial company was run by the 1st accused and that the petitioners are nothing to do with the business of A1, whereas in order to recover the money, the entire family members who have no role in the



business of A, have been falsely implicated in this case. He further submitted that A2 who is the wife of A1 was arrested and subsequently released on bail and that the petitioners have been languishing in jail from 20.05.2023. He would also submit that the petitioners in order to show their bonafides, ready and willing to deposit original title deeds of immovable properties worth about Rs.5 lakhs each to the credit of crime number and he prayed for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) vehemently opposed for grant of bail to the petitioners stating that the petitioners along with other accused, floated fancy financial schemes and cheated several persons to the tune of Rs.13,95,000/- and that the investigation is pending.

5. Heard the learned Counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent police and perused the materials available on record including the FIR.

6. Considering the facts and circumstances of the case, the submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioners and also of the fact that A2/wife



of A1 has been released on bail, this Court is inclined to grant of bail to the petitioners with certain conditions.

7. Accordingly, the **each of the petitioners shall deposit original title deeds of immovable property standing either in the name petitioners or relatives/friends, worth about Rs.5 lakhs, to the credit of Crime No.15 of 2023** and on such deposit, the petitioners are ordered to be released on bail on their executing a separate 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 **Special Court under TNPID Act, 1997, 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 petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, every Saturday at 10.30 a.m. until further orders;

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



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[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

09.06.2023

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To

1. Special Court under TNPID Act, 1997, Chennai
2. The Inspector of Police,
DCB Police Station,
Thiruvallur.
3. The Central Jail,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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