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Crl.O.P.No.13537 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.06.2023

CORAM:

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

Crl.O.P.No.13537 of 2023

1.Suresh
2.Thalapathy
3.Subam

.. Petitioners

/versus/

The State rep.by
The Inspector of Police,
Sholavaram Police Station,
Thiruvallur District.
(Crime No. 349 of 2023)

.. Respondent

Prayer: Criminal Original Petitions are filed under Section 439 of Criminal Procedure Code, praying to enlarge the petitioners on bail pending investigation in Crime No.349 of 2023 on the file of the respondent police.

For petitioners : Mr.R.Sasikumar

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 13.05.2023 for the offences punishable under Sections 406, 420 of IPC r/w Section 5 of Tamil Nadu Protection of Interest of Depositors (In Financial Establishment) Act, 1997 in Crime No.349 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the defacto complainant/ Mani is that the accused have promoted Deepavali chitt and collected Rs.12,000/- from 1800 persons and cheated to the tune of Rs.3,24,00,000/-. Hence the case.

3.Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He also submitted that other than working as employees in the main accused, the petitioners have not committed any offence as alleged by the prosecution and they are not the beneficiaries to the transaction. He also submitted that the petitioners are in custody from 13.05.2023, hence, he prayed for grant of bail to the petitioners.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioners are employees of the main accused and the main accused have cheated 1800 depositors to the tune of Rs.3,24,00,000/-. He further submitted that the main accused is still absconding. Hence, he opposed for grant of bail to the petitioner.

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 above facts and circumstances of the case, the submissions made by the learned counsel on either side, the period of incarceration undergone by the petitioners and also of the fact that the petitioners are only the employees of the main accused, this Court is inclined to grant of bail to the petitioners with certain conditions.

7. Accordingly, 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



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satisfaction of the **learned Judicial Magistrate No.II, Ponneri**, 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 everyday at 10.30 a.m., until further orders;

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

[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]***;



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

21.06.2023

vkrr

To

1. The Judicial Magistrate No.II,
Ponneri.
2. The Inspector of Police,
Sholavaram Police Station,
Thiruvallur District.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court, Madras.

A.D.JAGADISH CHANDIRA,J.



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