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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2024

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.14475 of 2024

K.Pannerselvam

... Petitioner

Vs.

State Rep by.

The Inspector of Police

District Crime Branch,

Dharmapuri District. Crime No. 5 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, pending further proceedings in
crime No. 5 of 2024 on the file of the District Crime Branch, Dharmapuri

For Petitioner : Mr.D.Shivakumaran

For Respondent : Mr.V.Meganathan, B.A., B.L.,
Government Advocate (Crl. Side)

For Intervenor : Mr.G.Harihara Arun Somasankar
for V.Deepan Rajkrishna



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.10.2023 for the alleged offences punishable under Sections 406, 465, 467, 468, 471, 420 & 506(1) IPC **in crime No. 5 of 2024** on the file of the respondent, seeks bail.

2. The case of the prosecution is that the defacto complainant has entered into an agreement for partnership with the first accused on 31.03.2018 and allegedly invested Rs.2,00,00,000/- for his alleged investment in the school run by the first accused, that the accused cheated without enforcing the agreement and that the other accused including this petitioner threatened the de facto complainant to face dire consequences if he asks to return the alleged amount of Rs.2,00,00,000/-. Hence, the case.

3. The learned counsel for the petitioner submits that this Court has already granted anticipatory bail to the first accused with the condition to deposit a sum of Rs.2 crores and the first accused also ready to deposit the said amount as ordered by this Court. Hence, he prayed to grant bail without any conditions.

4. The learned counsel for the intervenor submits that the accused



person not only cheated the defacto complainant but also other persons. If he released on bail he may abscond or tamper the evidence. Prayed to dismiss this petition.

5. Considering the submissions on either side, the fact reveals that first accused was granted anticipatory bail with the condition to deposit a sum of Rs. 2 crores and he also agreed to deposit the said amount within the time fixed by this Court. Further, as per FIR alleged cheated amount is Rs.2 Crores. Thereafter, lot of transactions between the defacto complainant and the petitioners. Even as per the FIR, there is other allegation that the shares also not been transferred to the defacto complainant and also there is exchange of notice between the parties. Considering the above, there is no possibility to tamper the evidence. Hence, this Court is inclined to grant bail to the petitioner with the following conditions:

6. Accordingly, 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 (one must be a blood surety)**, each for a like sum to the satisfaction of the **learned Judicial Magistrate II, Dharmapuri**



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District, 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 on every Tuesday at 10.30 a.m., for a period of three months. Further, the petitioner shall deposit a sum of Rs.25,00,000/-(Twenty Five Lakhs to the credit of Crime No. 5 of 2024 within a period of two weeks from the date of receipt of a copy of this order.

[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 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.

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T.V.THAMILSELVI,J.

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To

1. The **Judicial Magistrate II, Dharmapuri.**

2. The Inspector of Police
District Crime Branch,
Dharmapuri District.

3. The Sub jail, Dharmapuri.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.14475 of 2024

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