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CRL O.P. No.19778 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.19778 of 2024

P.Sankaran

... Petitioner / Accused-14

Vs

State rep. by:-

The Inspector of Police,
The Deputy Superintendent of Police,
EOW, Chengalpattu District.

... Respondent

[Cr. No.04 of 2024]

For Petitioner : Mr.L.Arulmozhivarman

For Respondent : Mr.S.Vinoth Kumar
Government Advocate
[Criminal side]

PETITION FOR BAIL Under Sec.483 of B.N.S.S.

PRAYER: - The Criminal Original Petition is filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the petitioner on bail in Crime No. 04 of 2024 on the respondent police.



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ORDER

The petitioner/Accused-14, who was arrested and remanded to judicial custody on 05.06.2024 for the offences punishable under Sections 409, 418, 420 & 120(B) of IPC and Section 5 of TNPID Act, 1997 and Section 76(1) of the Chit Fund Act, 1982, in Crime No.04 of 2024, on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner along with the other accused, in the guise of running unauthorised chit fund Company, have swindled totally a sum of Rs.22 crores from general public, including the defacto complainant. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner has nothing to do with the alleged offence as he is only doing online trading business. He would further submit that the petitioner is also not a named accused in this case and the petitioner has repaid a sum of Rs.4 crores to A7 and the petitioner also suffered loss to the tune of Rs.1 crore. He would also



CRL O.P. No.19778 of 2024

submit that the main accused in this case has been arrested and released on bail and his properties were also seized. He would also submit that the petitioner has been in custody for more than 76 days. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioner along with the other accused, in the guise of running unauthorised chit funds, have collected Rs.22 crores from the general public and invested the same in online trading through the petitioner and thereby involved in cheating. He would further submit that A7 and A9 were arrested and released on bail and the property of the main accused worth about Rs.15 crores were attached. However, he prays for dismissal of the bail application.

5. Heard both side learned counsel and perused the materials available on record.

6. Considering the fact that the main accused in this case was arrested and released on bail and the petitioner was also taken into police



custody and taking into consideration the number of days of incarceration undergone by the petitioner and the petitioner is also not a named accused in this case, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a 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 (FAC), Chennai**, and on further conditions that:

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioner shall not commit any offences of similar nature.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have



CRL O.P. No.19778 of 2024

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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

20.08.2024

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To

- 1.The Special Court under TNPID Act (FAC), Chennai.
- 2.The Inspector of Police,
The Deputy Superintendent of Police,
EOW, Chengalpattu District.
- 3.Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor, High Court, Madras.



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CRL O.P. No.19778 of 2024

P.DHANABAL,J
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CRL.OP.No.19778 of 2024

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