



Crl.O.P.No.20338 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.20338 of 2024

Raja @ Divakar

... Petitioner

Vs.

The State represented by,
The Deputy Superintendent of Police,
E.O.W.II, Salem.
(Crime No. 4 of 2021).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in C.C.No.2 of 2023 on the file of
Special Court under TNPID Court, Coimbatore.

For Petitioner : Mr.M.Venkadeshnan

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 16.02.2024, for the alleged offence punishable under Sections 120(B),
420, 406 of IPC and Section 5 of TNPID Act, in Crime No.4 of 2021, on the



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file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with two others, was running a firm named Fob-cut Technology (E-Tailor) and canvassed the public to deposit of Rs.1,99,000/- each. They promised to provide the customers with a system, plotter, machine table, software and also training to them. It is alleged that about 237 depositors, deposited a total sum of Rs. 8,58,28,839/- but failed to return the deposited amount. Hence, the complaint.

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 has not committed any offence as alleged in the FIR. He further submit that though the petitioner was enlarged on anticipatory bail, suppressing many facts, the contempt petition in Cont.P.No.2593 of 2022 was filed and the bail granted to the petitioner was cancelled. He further submit that the co-accused was released on bail by this Court. He would further submit that the petitioner was arrested and is in judicial custody for more than 180 days and is ready to abide by any conditions that may be imposed by this



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Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are totally three accused in this case and the petitioner herein is ranked as A1. He further submitted that the petitioner along with other accused, had canvassed the general public and collected amounts, but failed to return the deposit amounts as assured by them, cheating the public to the tune of Rs.8,58,28,839/- from 237 depositors. He further submitted that though assured to settle all the depositors, none have been settled so far, for which, the bail granted to the petitioner had been cancelled by this Court. Hence, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the submissions of the learned counsel on either side, and nature of offence and considering the period of incarceration undergone by the petitioner, and also considering that the co-accused was released on bail and considering the trial has been commenced and material



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witnesses have been examined and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. 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, each for a like sum to the satisfaction of the Special Court under TNPID Act, Coimbatore, and on further conditions that:-

[a] the petitioner shall report before the Special Court under TNPID Act, Coimbatore, on all working days at 10.30 a.m., until further orders.

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

[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.



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[e] 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 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 269 BNS.

29.08.2024

drl

To

- 1.The Special Court under
TNPID Act, Coimbatore.
- 2.The Deputy Superintendent of Police,
E.O.W.II, Salem.
- 3.The Superintendent,
Central Prison, Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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