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CrI.O.P.No.21754 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2024

CORAM

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

CrI.O.P.No.21754 of 2024

Gunaseelan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
CCD-I Police Station,
Chennai.
(Crime No. 167 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No.167 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.M.R.Elavarasan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 20.07.2024, for the alleged offence punishable under Sections 420, 465,
467, 468 of IPC, in Crime No.167 of 2024, on the file of the respondent



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police, seeks bail.

2. The case of the prosecution is that the defacto complainant through a whatsapp group, joined the share market investment. Believing the accused's claim of a 300% profit, the defacto complainant invested Rs.1,70,53,937/-. When attempted to withdraw the amount, the defacto came to know that the accused has cheated him. Hence, the case.

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 submits that the petitioner was unaware of the transaction and his name was not found place in the FIR. He would further submit that the petitioner was arrested and is in judicial custody for more than 50 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the



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respondent police submitted that there are totally three accused in this case and the petitioner herein is arrayed as A1. He further submits that the defacto complainant through a whatsapp group, joined the share market investment. Believing the accused's claim of a 300% profit, the defacto complainant invested Rs.1,70,53,937/-. When attempted to withdraw the amount, the defacto came to know that the accused has cheated him. He further submits that this petitioner has opened the bank account, for which he received Rs.10 as a commission and nearly 50 lakhs amount was transferred to different accounts. He further submitted that the investigation was almost completed. 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 nature of offence, and already this petitioner was taken to police custody for interrogation and the petitioner has no previous case, pending against him, and considering the period of incarceration undergone by the petitioner, and the bank accounts have been frozen by the respondent police, and also considering all others factors, I am inclined to



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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 Additional Chief Metropolitan Magistrate Court, Egmore, Chennai, and on further conditions that:-

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

[b] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[c] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[d] the Petitioner shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned



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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]; and

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

19.09.2024

drl

To

- 1.The Additional Chief Metropolitan
Magistrate Court, Egmore, Chennai.
- 2.The Inspector of Police,
CCD-I Police Station,
Chennai.
- 3.The Superintendent,
Central Prison, Puzhal.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

drl



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