



Crl.O.P.No.29745 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2024

CORAM

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

Crl.O.P.No.29745 of 2024

1. S.Prakash

2. D.Murugan

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Economic Offences Wing,
Salem District
(Crime No.2 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioners on bail, in connection with Crime No.2 of 2024, pending investigation on the file of the respondent Police.

For Petitioners : Mr.T.Sai Krishnan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

Petition seeking bail in respect of Crime No.2 of 2024 registered for the offence under Sections 406, 409, 420, 120-B and 34 of IPC and Section 5



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of Tamil Nadu Protection of Interest of Depositors (In Financial Establishment) Act, 1997, is on board for consideration.

2. The incarceration of the petitioners being from 01.10.2024 pleading innocence on the part of the petitioners and false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. He also submits that the petitioners are only the employees of the SVS Jewellers, which was run by the main accused/A1 and they are in no way connected with the alleged offence. He further submits the main accused in this case has already been enlarged on bail and the petitioners are ready to abide by any stringent condition that may be imposed by this court.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the accused had induced the de facto complainant and others with fancy schemes and by giving false promise and assurance of returning excess interest for their money, made them to invest in their jewellery shop and cheated them. He further submits that the total cheated amount runs to more than Rs.3 crores. He also submits that the



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petitioners herein are arrayed as A4 and A5 and the investigation in this case is still pending.

4. Having heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and that the main accused in this case has already been enlarged on bail, this court is inclined to grant bail to the petitioners with certain conditions and accordingly, the petitioners are ordered to be released on bail on their executing separate bond each for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Special Judge, Special Court under TNPID Act, Coimbatore**, 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;



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[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]***;

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

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To

1. The Special Judge, Special Court under TNPID Act,
Coimbatore.
2. The Inspector of Police,
Economic Offences Wing,
Salem District.
3. The Superintendent,
Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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