

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2025

CORAM

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

Crl.O.P.No.1607 & 1655 of 2025

Gunasundari ... Petitioner in Crl.OP.1607/2025

V.Mani ... Petitioner in Crl.OP.1655/2025

Vs.

State, Rep. by the Inspector of Police,
Mahalingapuram Police Station
Pollachi, Coimbatore District 642 002
(Crime No.206 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in Crime
No.206 of 2024 on the file of the respondent Police.

For Petitioner in Crl.OP.No.1607 of 2025

:Mr.K.T.S.Sivakumar

For Petitioner in Crl.OP.No.1655 of 2025

:Mr.S.Washimraja

For Respondent in both Crl. OPs.

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

COMMON ORDER

Petitions seeking bail in respect of Crime No.206 of 2024 registered for the offences punishable under Sections 3 & 4 of Prize Chit & Money Circulation Schemes (Banning) Act, 1978 r/w. Sections 5, 21(3) & 23 of the Banning of Unregulated Deposit Schemes Act, 2019 and Sections 61(2), 112 & 318 (4) of BNS, 2023, is on board for consideration.

2.The incarceration of the petitioners being from 30.12.2024 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 co accused has been granted bail in CrI.OP.No.1227 of 2025 dated 22.01.2025. He also submits that the petitioner in CrI.OP.No.1607 of 2025 is also one of the investors, who has invested believing the other accused. He also submits that the petitioners are no way connected with the alleged offences and they 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 petitioners along with other accused is said to have conspired to

defraud the innocent public by making false promise of high returns if they invested in GBY Online Trading, which is an Unregulated Deposit Scheme. He further submits that initially, the number of victims was 180. However, following additional complaints, the total number of victims has now risen to 202, with the amount defrauded increasing to Rs. 26,00,000/-

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 considering the period of incarceration undergone by the petitioners, 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 a separate bond 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 petitioner in Crl.OP.No.1655 of 2025 shall

report before the respondent Police, everyday at 10.30 a.m., until further orders and the petitioner in Crl.OP.No.1607 of 2025 shall report before the respondent Police, as and when required for interrogation;

[c] the petitioners shall not abscond either during investigation or trial;

[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 of B.N.S.

28.01.2025

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A.D.JAGADISH CHANDIRA, J.
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To

1.The Special Judge, Special Court under TNPID Act,
Coimbatore,

2.The Inspector of Police,
Mahalingapuram Police Station
Pollachi, Coimbatore District 642 002

3.The Superintendent,
Central Prison, Coimbatore.

4.The Public Prosecutor,
High Court of Madras.

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