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CRL O.P. No.4136 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.02.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.4136 of 2025

Gowtham

... Petitioner/ Accused-12

Vs

State Represented by
The Inspector of Police,
Mahalingapuram Police Station,
Coimbatore.
[Crime No.206 of 2024]

...Respondent

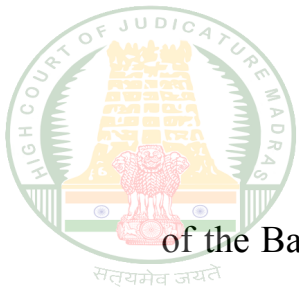
PRAYER: The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioner / Accused – 12, in Crime No.206 of 2024 on the file of the respondent police.

For Petitioner : Mr. Narayana Prasadh

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

ORDER

The petitioner / Accused-12, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 3, 4 of Price Chit & Money Circulation Schemes (Banning) Act, 1978 and Sections 5, 21(3), 23



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of the Banning of Unregulated Deposit Schemes Act, 2019 (BUDS ACT,2019) and 61(2),112 (Newly added Section in BNS), 318(4) of BNS, 2023/120B and 420 of IPC, in connection with the case in Crime No.206 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that A1 and A2 were running a scheme in which it was represented that if a person invests Rs.6,000/- through on-line, they would get the daily profit of Rs.300 and on believing the representation, the defacto complainant and other victims had deposited money to the tune of Rs.1,80,000/- in the said scheme through on-line and that they neither received the profit nor received the principal amount. The petitioner is A-12. The allegations against the petitioner is that he had introduced 600 members to the scheme. Hence, the case.

3. The learned counsel for the petitioner would submit that they themselves are victims and that the main accused A1 and A2 were arrested and released on bail, and it is not the case of prosecution that the money was deposited into the accounts of the petitioner herein.



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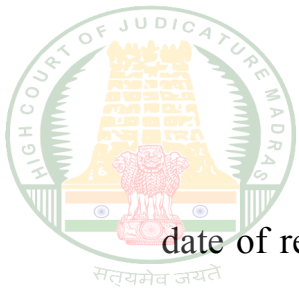
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4. The learned Government Advocate (Crl.Side) reiterated the prosecution case and confirms that A1 and A2 are the main accused who had commenced the scheme and this petitioner believing the representation, introduced certain members to the scheme.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent police and perused the materials available on record.

6. Considering the nature of allegations against the petitioner and the fact that the main accused A1 and A2 were arrested and released on bail, and that the case is borne out by records and since the custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days from the



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date of receipt of a copy of this order, before the learned **Judicial Magistrate**

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sum of **Rs.10,000/- (Rupees Ten Thousand only)**, with two sureties each for a

like sum to the satisfaction of the respondent Police or the Police officer who

intends to arrest or to the satisfaction of the learned Magistrate concerned,

failing which, the petition for anticipatory bail shall stand dismissed and on

further conditions that:

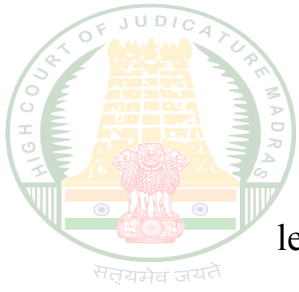
[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

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

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

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

[f] On breach of any of the aforesaid conditions, the



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learned 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].

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

26.02.2025

(1/3)

drl

To

1. The Inspector of Police,
Mahalingapuram Police Station,
Coimbatore.

2. The Public Prosecutor,
High Court, Madras.

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SUNDER MOHAN. J.,

drl

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