



Crl.O.P.No.4004 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.4004 of 2025
and Crl.M.P.No.2579 of 2025

Mohammed Yasin

... Petitioner

Vs.

1. The State Rep. by
The Deputy Superintendent of Police,
District Crime Branch Police Station,
Coimbatore – 641 018.
Crime No.14 of 2023.

2. Nagajothi

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order of refusal of remand of the second respondent/accused No.1, by the learned Judicial Magistrate-I, Pollachi, dated 19.12.2024 in Crime No.14 of 2023, pending on the file of the first respondent police.

For Petitioner : Mr.P.V.Selvakumar

For Respondents

For R1 : Mr.A.Gopinath
Government Advocate (Crl.Side)

For R2 : Mr.Abinesh Karthik
For M/s. Global and legal



Crl.O.P.No.4004 of 2025

ORDER

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This Criminal Original Petition has been filed challenging the order passed by the learned Judicial Magistrate-I, Pollachi, dated 19.12.2024 in Crime No.14 of 2023, thereby without remanding the second respondent granted bail on her own bond for Rs.10,000/- and shall produce two sureties for the likesum.

2. The petitioner is the one of the victims in Crime No.14 of 2023. There are totally four accused, in which the second respondent is the first accused and her husband is the second accused. All the accused persons with ulterior motive and the intention to cheat the petitioner and other victims for their wrongful gain persistently approached them, explaining the details of the gold coin scheme and assuring them that the gold coins and the money invested would be provided as promised. Trusting and believing the said words, the petitioner and other victims had invested huge amount to the tune of rupees one crore and also 295 grams of gold. Thereafter the accused persons had cheated them without repaying the same. On that complaint, the first respondent registered FIR in Crime No.14 of 2023 for the offences punishable under Sections 406, 420, 120B and 34 of IPC.



Crl.O.P.No.4004 of 2025

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3. In fact, the second respondent and her husband filed anticipatory bail petitions before the learned Principal District and Sessions Judge at Coimbatore in Crl.M.P.Nos.4931 & 6964 of 2023 and they were granted anticipatory bail. It was challenged before this Court in Crl.O.P.Nos.276 & 1035 of 2024 and both the petitions were allowed by this Court by an order dated 25.04.2024, thereby cancelled the anticipatory bail granted to the second respondent and her husband in Crl.M.P.Nos.4931 & 6964 of 2023.

4. Aggrieved by the same, the second respondent and her husband approached the Hon'ble Supreme Court of India in Special Leave to Appeal No(s).7986 of 2024 and the same was dismissed and confirmed the order passed by this Court. In pursuant to that, the first respondent secured the second respondent and produced for remand. Unfortunately, the learned Judicial Magistrate-I, Pollachi, without considering the above facts and circumstances, granted bail to the second respondent on certain conditions. The learned Magistrate without even seeing the order passed by this Court while cancelling the anticipatory bail granted to the second respondent and also the order confirmed by the Hon'ble Supreme Court of India, granted bail to the second respondent.



Crl.O.P.No.4004 of 2025

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5. The learned counsel appearing for the petitioner submitted that the second respondent and other accused persons had committed very grave offence as against the society and cheated to the tune of rupees one crore and also 295 grams of gold. Therefore, he prayed to direct the second respondent to deposit reasonable amount or the original title deed to the tune of her share.

6. The learned counsel appearing for the second respondent submitted that the petitioner got divorce from her husband viz., the second accused and she has no source of income. Further, her only account has been frozen at the request of the first respondent. She has no income and also no property to deposit title deed.

7. Considering the above facts and circumstances, the second respondent is directed to deposit a sum of Rs.15,00,000/- (Rupees fifteen lakhs only) to the credit of Crime No.14 of 2023 on the file of the learned Judicial Magistrate No.I, Pollachi, Coimbatore District, on or before 15.04.2025, failing which the order passed by the learned Judicial Magistrate-I, Pollachi, dated 19.12.2024 in Crime No.14 of 2023, is



Crl.O.P.No.4004 of 2025

hereby stands cancelled. The first respondent is directed to secure the second respondent and proceed in accordance with law.

8. With the above directions, the Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is closed.

14.03.2025
($\frac{1}{2}$)

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

rts

To

1. The Judicial Magistrate-I,
Pollachi.

2. The Deputy Superintendent of Police,
District Crime Branch Police Station,
Coimbatore – 641 018.

3. The Public Prosecutor,
Madras High Court,
Chennai.



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Crl.O.P.No.4004 of 2025

G.K.ILANTHIRAIYAN, J.

rts

Crl.O.P.No.4004 of 2025
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