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Crl.O.P.No.8682 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.8682 of 2025

1.M.Rajesh
2.Sathyabama

...Petitioners/Accused 2 & 3

Vs.

State through
The Inspector of Police,
Pallapatty Police Station,
Salem City.

(Crime No.108 of 2025)

...

Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioners on bail in Crime No.108 of 2025 pending investigation on the file of the respondent police.

For Petitioners : M/s.Law Vision

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



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ORDER

This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 23.02.2025, seeking bail in Crime No.108 of 2025 registered for the offence under Sections 316(2), 316(5), 318(4) r/w 62 of BNS, 2023 and Sections 3, 5, 21(1) and 23 of Banning of Unregulated Deposit Schemes Act.

2.It is the case of the prosecution that the defacto complaint, who happens to be the Sub Inspector of Police, went to the place where the petitioners were running a Company in the name of M/s.Recreate Future India Private Limited; that he saw certain people engaged in a wordy quarrel with the persons running the said Company; that later it was found that the petitioners had advertised attractive schemes by making a promise of high returns on the investments; that such schemes were devised to cheat the general public and thus committed the aforesaid offences. Hence, the case.



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3.The learned counsel for the petitioners would submit the allegations are false; that the complaint was lodged at the instance of the Sub Inspector of Police and none of the victims had sofar given any complaint and that in any case, considering the period of incarceration, further custody of the petitioners it not required and sought for bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the total amount involved in this case was Rs.3,40,00,000/-; that the respondents have seized Rs.3,00,00,000/- in cash from the accused, besides gold jewels and other articles; that the same were handed over to the DRO, who in turn has opened a separate account and deposited the cash of Rs.3,00,00,000/- and that, the jewels and other articles are also in his possession.

5.Heard the learned counsel on either side and perused the materials available on record.



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6.Considering the aforesaid facts and the period of incarceration, this Court is of the view that further custody of the petitioner is not required for the purpose of investigation. Hence, this Court is inclined to grant bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail on their executing separate bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only) each** with **two sureties**, each for a like sum to the satisfaction of the **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 absconds, a fresh FIR can be registered under Section 269 B.N.S.

27.03.2025

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Copy to:

- 1.The Inspector of Police, Pallapatty Police Station, Salem City.
- 2.The Special Judge, Special Court under TNPID Act, Coimbatore,
- 3.The Superintendent of Prison, Central Prison, Coimbatore.
- 4.The Public Prosecutor, High Court, Madras.



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SUNDER MOHAN, J.

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