



Crl.OP.No.11962 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 23.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.11962 of 2025

Selvam

.. Petitioner

Vs.

The State rep by
Inspector of Police
EOW, Team IV, Ashok Nagar,
Chennai.

(Crime No.02 of 2025)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS,
pleaded to enlarge the petitioner on bail, in connection with the Crime
No.02 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : M/s.R.Vivekananthan

For Respondent : M/s.J.R.Archana
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who
was arrested and remanded to judicial custody on 21.02.2025, seeking bail
in Crime No.02 of 2025 registered for the offence under Sections 316(5),
318(4) r/w 3(5) of BNS and Section 21(1), 21(2), 21(3) of BUDS Act.



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2. The case of the prosecution is that the petitioner induced the victims to invest in a company by the name Lakshmi Classic Homes Pvt. Ltd, promising of high returns; that the said company defrauded about 26 depositors to the tune of Rs.3,71,40,146/-; and that the petitioner, acting as an agent, received a commission of Rs.5,00,000/- from the main accused and thus, committed aforesaid offences.

3. The learned counsel for the petitioner would submit that the petitioner himself had deposited money into the account of the company and is also a victim; that he in a bonafide intention believed that the company would provide high returns and, on that belief, he introduced other depositors; and that in any case, further custody of the petitioner is not required and prayed that the petitioner may be released on bail.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that the petitioner acted as an agent; that the petitioner induced other victims to



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invest in the company; that the petitioner himself had invested in the said company and that received a commission of Rs.5,00,000/- for introducing the other depositors.

5. Admittedly, the petitioner had also invested money in the said company. The petitioner acted as an agent for the other depositors. Considering the role played by the petitioner, period of incarceration, and since further custody of the petitioner is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a 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 Court under TNPID, Chennai**, 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;



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[b] the petitioner shall report before the respondent Police,

everyday at 10.30 a.m., until further orders;

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

[d] the petitioner 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 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]*;

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

23.04.2025

Index : Yes / No
Internet : Yes / No
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To

- 1.The Inspector of Police
EOW, Team IV, Ashok Nagar,
Chennai.
- 2.The Special Court under TNPID, Chennai.
- 3.The Superintendent of Prison,
Central Prison, Puzhal.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.
dpa

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