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Crl.O.P.Nos.32472 & 32480 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2025

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

Crl.O.P.Nos.32472 & 32480 of 2024

I.Paul Kannan ... Petitioner in Crl.O.P.No.32472 of 2024

S.Chandar @ Samy Chandar ... Petitioner in Crl.O.P.No.32480 of 2024

Vs.

The State represented by,
The Inspector of Police,
Avadi City CCB Police Station,
Tiruvallur District.
(Crime No.111 of 2024).

... Respondent in both Crl.O.Ps.

Common Prayer : Criminal Original Petitions filed under Section 483 of BNSS, pleaded to enlarge the petitioners on bail, in connection with Crime No.111 of 2024, pending investigation on the file of the respondent Police.

In both Crl.O.Ps.,

For Petitioners : Mr.C.Emalias

for Mr.N.Sudharsan

For Respondent : Mr.Leonard Arul Joseph Selvam

Government Advocate (Crl.Side)

COMMON ORDER

Petition seeking bail in respect of Crime No.111 of 2024 registered for the offences punishable under Sections 406, 420 and 34 of IPC, is on board for consideration.



Crl.O.P.Nos.32472 & 32480 of 2024

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2. The incarceration of the petitioners/A4 & A3 being from 29.11.2024 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 petitioner in Crl.O.P.No.32472 of 2024 is the husband of A1 and the petitioner in Crl.O.P.No.32480 of 2024 is the husband of A2. He further submits that a case of money dispute has been falsely projected as a case of cheating and the petitioners have been implicated in this case since they are related to the main accused. He also submits that even as per the prosecution, a part of the amount has been repaid, however, the petitioners are still in custody. He further submits that the petitioners 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 accused had conducted an unregistered chit and on believing them, the victims had subscribed a chit and invested their amounts, whereas, the accused had cheated the subscribers and committed criminal breach of trust. The total amount cheated by the accused



Crl.O.P.Nos.32472 & 32480 of 2024

is more than two crores and only a sum of Rupees one crore and odd has been repaid by the accused till date. He further submits that the investigation in this case is still pending and there are five accused in this case, in which, the petitioners herein are arrayed as A4 and A3 respectively and the fifth accused is still absconding.

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 separate bond each 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 **Judicial Magistrate No.I, Poonamallee, Tiruvallur**, 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;



CrI.O.P.Nos.32472 & 32480 of 2024

[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;

[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 B.N.S.

02.01.2025

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Crl.O.P.Nos.32472 & 32480 of 2024

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To

1. The Judicial Magistrate No.I,
Poonamallee, Tiruvallur.
2. The Inspector of Police,
Avadi City CCB Police Station,
Tiruvallur District.
3. The Superintendent,
Central Prison - II, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.Nos.32472 & 32480 of 2024

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.Nos.32472 & 32480 of 2024

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