



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Eighth day of December Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.18501 & 19254 of 2015

VAIRAMUTHU

....PETITIONER/ACCUSED No.2
in CRL OP(MD)NO.18501

R.VANITHA

....PETITIONER/ACCUSED NO.3
in CRL OP(MD)NO.19254

Vs.

THE STATE REP.BY
THE INSPECTOR OF POLICE
ECONOMIC OFFENCE WING - II,
MADURAI (IN CRIME NO. 7 OF 2015)

..RESPONDENT/COMPLAINANT
IN BOTH THE PETITIONS

For Petitioner : M/S. S.POORNACHANDRAN, Advocate
in both the petitions

For Respondent : MR.K.ANBARASAN, Govt. Advocate (Crl. Side)
in both the petitions

For Intervenor : MR.G.GANESH KUAMR,ADVOCATE
IN CRL OP(MD)No.18501/2015

For Intervenor : MR.P.VENKATESAN,ADVOCATE
IN CRL OP(MD)No.19254/2015

PETITION FOR BAIL Under Sec. 439 Cr.P.C.
IN CRL.OP(MD)18501 OF 2015
AND

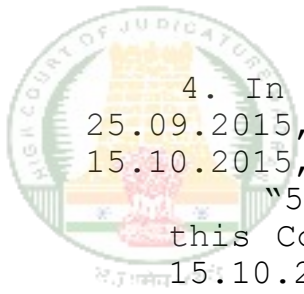
PETITION FOR ANTICIPATORY BAIL UNDER SECTION 438 Cr.P.C
IN CRL.OP(MD)19254/2015

ORDER : The Court Made the following order :-

The petitioner in Crl.O.P.(MD) No.18501 of 2015, who is arrayed as Accused No.2, was arrested on 17.07.2015, for the alleged offences punishable under Sections 406 and 420 of IPC and Section 5 of Tamil Nadu Protection of Interest of Depositors (in Financial Establishment Act), 1977, in Crime No.7 of 2015, on the file of respondent police and hence, seeks bail.

2. The petitioner in Crl.O.P.(MD) No.19254 of 2015, who is arrayed as Accused No.3, in the same crime number, apprehending arrest at the hands of the respondent police, for the alleged commission of offences stated above, seeks anticipatory bail.

3. The case of the prosecution is that the accused persons were running a Finance Company in the name of 'Jeevan Vaisya Agrotech LLP' and they have collected deposits from 280 persons to the tune of Rs.70 lakhs and failed to return the same on maturity.



4. In Crl.O.P.(MD) No.18501 of 2015, this Court, by order dated 25.09.2015, granted interim bail to the petitioner therein/A2 till 15.10.2015, wherein at paragraph 5, it has been held as follows:

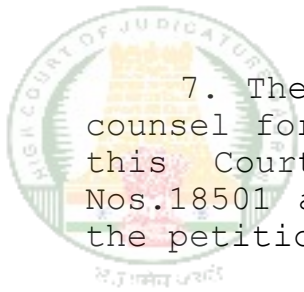
"5. Considering the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner till 15.10.2015 with certain conditions. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the Special Court under TANPID Act cases, Madurai, and on further condition that the petitioner shall furnish his own immovable properties or properties of his relatives or friends for Rs.50 lakhs (Rupees Fifty Lakhs) as security to the satisfaction of the Court on or before 14.10.2015 and the petitioner shall appear before the respondent police daily at 10.00 a.m., until further orders."

5. In Crl.O.P.(MD) No.19254 of 2015, this Court, by order dated 07.10.2015, granted interim anticipatory bail to the petitioner therein/A3 till 16.10.2015, wherein at paragraphs 5 and 6, it has been held as follows:

"5. Considering the above facts and circumstances of the case and also considering the submission made by the learned counsel for the petitioner, this Court is inclined to grant interim anticipatory bail to the petitioner till 16.10.2015 with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in event of arrest or on her appearance before the Special Court under TNPID Act cases, Madurai and on her executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judge concerned and on further condition that the petitioner shall furnish her own immovable properties or properties of her relatives or friends for Rs.50 lakhs (Rupees Fifty Lakhs) as security to the satisfaction of the Court concerned on or before 15.10.2015 and the petitioner shall appear before the respondent police daily at 10.00 a.m., until further orders. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C., scrupulously."

6. When the matter was taken up for hearing on 23.11.2015, the learned counsel for the petitioner in Crl.O.P.(MD) No.18501 of 2015 submitted that he has handed over the bundle to the petitioner. Hence, the Registry was directed to list the matter on 24.11.2015 and to print the name of the petitioner and also the name of the counsel. When the matter was taken up for hearing on 24.11.2015, Mr.S.Poornachandran, learned counsel for the petitioner seeks time and at his request, the matter was directed to be listed on 01.12.2015. When the matter was taken up for hearing on 01.12.2015, Mr.S.Poornachandran, learned counsel for the petitioner seeks time and at his request, the matter was directed to be listed today i.e., on 08.12.2015. Even now, the petitioners did not comply the conditions imposed by this Court.



7. The learned Government Advocate (Crl. side) and the learned counsel for the Intervenor submitted that the conditions imposed by this Court, dated 25.09.2015 and 07.10.2015, in Crl.O.P.(MD) Nos.18501 and 19254 of 2015 respectively, are not complied with by the petitioners.

8. Considering the fact that the petitioners have not complied with the conditions imposed by this Court, dated 25.09.2015 and 07.10.2015, in Crl.O.P.(MD) Nos.18501 and 19254 of 2015 respectively, this Court is not inclined to extend bail and anticipatory bail to the petitioners. Hence, these petitions are dismissed. The respondent is at liberty to proceed in the matter in accordance with law.

sd/-
08/12/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE SPECIAL COURT UNDER TANPID ACT CASES, MADURAI.
- 2 THE INSPECTOR OF POLICE, ECONOMIC OFFENCE WING - II, MADURAI
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

+1. CC to M/S S.POORNACHANDRAN Advocate SR.No.70453

ORDER
IN
CRL OP(MD) No.18501 of 2015
Date :08/12/2015

RG.JGB-DP/SAR-II 15.12.2015 3P.6C