

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Ninth day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18369 of 2018

M.RIZWAN ALI

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
E.O.W, ERODE,
ERODE DISTRICT,
CR.NO.1 OF 2018.

[RESPONDENT]

For Petitioner : M/S.C.S.SARAVANAN Advocate

For Respondent : MR. C.IYYAPPARAJ, ADDL. PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(B), 420 and 406 IPC in Crime No.1 of 2018 on the file of the respondent police, the petitioner/A8 has come forward with this petition seeking anticipatory bail.

2.It is the case of the prosecution that totally there are 10 accused involved in this case. The petitioner was working as a Supervisor in Tripura Chits (P) Limited. The petitioner as well as the Director, Managing Director including the staff of the said company collected money from the general public and cheated them to the tune of Rs.1,39,00,000/-, for which one of the affected party/defacto complainant has lodged this complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he did not commit any offence as alleged by the prosecution. Further, he would submit that the role of the petitioner is only supervising the company.

4.The learned Additional Public Prosecutor would submit that there are 10 accused involved in this case. This petitioner is arrayed as 8th accused in this case. Nearly a sum of Rs.1,39,00,000/- collected from the general public has been cheated by the accused persons. He would further submit that the investigation is pending. Therefore, he may be released on stringent condition.

5. In view of the above, there is no specific allegation against this petitioner. Hence, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance before the learned Special Judge, Special Court to deal with the Tamil Nadu Protection of Interest of Depositors Act Cases, Coimbatore, within a period of fifteen days from the date of receipt of a copy of this order on condition that:

(a) the petitioner shall execute 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 respondent police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(b) 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.

(c) the petitioner shall deposit a sum of Rs.4,00,000/- (Rupees four lakhs only) to the credit of Crime No.1 of 2018 before the Special Judge, Special Court to deal with the Tamil Nadu Protection of Interest of Depositors Act Cases, Coimbatore within a period of one week from today;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of four weeks and thereafter, as and when required for interrogation.

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioners shall not abscond either during investigation or trial;

(g) 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 v. State of Kerala [(2005) AIR SCW 5560]**;

(h)if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

09/08/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL JUDGE
SPECIAL COURT TO DEAL WITH THE TAMIL NADU
PROTECTION OF INTEREST OF DEPOSITORS ACT
CASES, COIMBATORE

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
E.O.W, ERODE, ERODE DISTRICT,

+1 CC to M/S.C.S.SARAVANAN Advocate on payment of necessary
charges SR.NO. 14839

CRL OP.18369/2018

Date :09/08/2018

RD 09/08/2018

WEB COPY