



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

Friday, the Sixteenth day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4213 of 2018

1 MR.S.VENKATESH
2 MR.SEENIVASAPERUMAL
3 MR.S.JAGANNATHAN

... PETITIONERS/ACCUSED Nos.12,14,13

Vs

THE STATE OF TAMIL NADU
THE INSPECTOR OF POLICE
VIRUDHUNAGAR POLICE STATION,
ECONOMIC OFFENCE WING,
VIRUDHUNAGAR DISTRICT
(CRIME NO.3/2016)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.N.DILIP KUMAR Advocate

For Respondent : MR.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners/ A12, A14 and A13, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 406, 420 120-B I.P.C., and Section 5 of the Tamil Nadu Protection of Interest of Depositors (in Financial Establishment) Act of 1997 in Crime No.3 of 2016, seek anticipatory bail.

2.The case of the prosecution is that the first accused, is called Virutcham Agro Limited, wherein, the petitioners and other accused in this case had collected huge amount from general public and defaulted in repayment of the money to the depositors. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have been falsely implicated, further added that they have not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(Criminal Side) appearing for the State submitted that after completing investigation, charge



sheet has been filed and the same is pending before the learned TANPID/Special District Judge, Madurai as C.C.No.21 of 2017

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged, during the time of occurrence, the petitioners and other accused in this case had collected deposits from the public in the name of Virutcham Agro Limited and Karpaga Virutcham Asset Promoters Private Limited. Thereafter, they have not repaid the major amount as agreed at the time of receiving the deposits, for which, the case has been registered. According to prosecution, as of now, after completing investigation, charge sheet has been filed and the same is pending in C.C.No.21 of 2017 before the learned TANPID/Special District Judge, Madurai. So, considering the stage of the case, custodial interrogation of the petitioners may not be necessary for completing the investigation. Further, all other accused in this case were granted with anticipatory bail. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned TANPID/Special District Judge, Madurai on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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:

(i) the petitioners shall report before the concerned Court daily at 10.30 a.m. for a period of three weeks, thereafter, as and when required for interrogation.

(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioners shall not abscond either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and 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]**.

sd/-

16/03/2018

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TO

1 THE SPECIAL DISTRICT JUDGE
TANPID, MADURAI

2 THE INSPECTOR OF POLICE
VIRUDHUNAGAR POLICE STATION,
ECONOMIC OFFENCE WING, VIRUDHUNAGAR DISTRICT

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.N.DILIP KUMAR Advocate SR.No.4273

ORDER

IN

CRL OP(MD) No.4213 of 2018

Date :16/03/2018

SMA/CM-VR/SAR-2/22.03.2018:3P/5C