



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

Tuesday, the Twentieth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4353 of 2018

1 K.VELUCHAMY
2 K.CHELLACHAMY
3 V.VIGNESH

... PETITIONERS/ACCUSED No.15,16,17

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
VIRUDHUNAGAR POLICE STATION,
ECONOMIC OFFENCE WING,
VIRUDHUNAGAR DISTRICT,
IN CRIME NO.3 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.M.JEGADEESH PANDIAN, Advocate

For Respondent : M/S.A.ROBINSON, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos. 15 to 17, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 120(b) IPC and Section 5 of Tamil Nadu Protection of Interest of Depositors (in Financial Establishments), Act, 1997, in Crime No.3 of 2016, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners herein and other accused are said to have collected deposits from various persons and subsequently, they have failed to repay the capital and profit to the depositors. Thus, on complaint, a case has been registered against the petitioner.

3.The learned counsel appearing for the petitioners would submit that the petitioners are an innocent persons and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case.



4. The learned Government Advocate (Criminal Side) would submit that after completing the investigation charge sheet has been filed.

5. The submissions made by the learned counsel appearing on either side are considered.

6. Admittedly, the petitioners herein were arrayed as accused Nos. 15 to 17. As of now, the final report has been filed in C.C.No.21 of 2017, on the file of the learned Special District Judge, TNPID, Madurai, and the same has been posted for trial. Further, the properties, which were possessed by the petitioners also attached by the concerned Court. In the above said circumstances, the custodial interrogation of the petitioners does not arise. Hence, this Court is inclined to grant anticipatory bail with some stringent conditions to the petitioners.

7. Accordingly, the petitioners 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 learned Special District Judge / TNPID Court, Madurai, on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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:

- (i) the petitioners shall appear before the concerned Court daily at 10.00 a.m. until further orders.
- (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/-
20/03/2018

/ TRUE COPY /



TO

1 THE SPECIAL DISTRICT JUDGE/
TNPID COURT, 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.M.JEGADEESH PANDIAN, Advocate SR.No.4584

ORDER

IN

CRL OP(MD) No.4353 of 2018

Date :20/03/2018

PK/CM-VR/SAR-1/02.04.2018 : 3P/5C