



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

Thursday, the Eighteenth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.780 of 2018

1 A.ANTHONY JAMES
2 A.DE SOZA SWIKLIN RAJA
3 A.HENRY JOSEPH

... PETITIONERS/ACCUSED 2 to 4

Vs

THE STATE REP BY,
THE INSPECTOR OF POLICE,
ECONOMIC OFFENCE WING-II POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.1 of 2016)

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.P. MAHENDRAN, 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/A2 to A4, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 406, 420, 120(B) I.P.C. and Section 5 TANPID Act, in Crime No.1 of 2016, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant, namely, Ramkumar has deposited huge amount on various schemes to one company, namely, Crown Agro India Limited, which was formed by A1. In that Company, the petitioner has served as an agent. The above said company collected a sum of Rs. 2 crores from more than 200 depositors and failed to repay the said deposit amount to its customers as agreed. Hence, the Defacto complainant has lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioners submitted that A1 is the Managing Director of the Company and other accused are the directors. There is no iota of proof to substantiate the allegations as against these petitioners and they have been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioners.



4. The learned Government Advocate (Criminal Side) submitted that investigation completed, charge sheet has been filed and the same was taken on file as C.C.No.25 of 2017.

5. Considering the submissions made by the learned counsel on either side, it appears that the offences under Sections 406, 420, 120(B) I.P.C. and Section 5 of TANPID Act, has been registered against the petitioners. According to prosecution, as of now, after completing investigation, charge sheet has been filed and the same was taken on file as C.C.No.25 of 2017. Therefore, the question of custodial interrogation does not arise. Furthermore, the other accused in this case were already granted anticipatory bail by this Court. Hence, this Court is inclined to grant anticipatory bail to the petitioners. 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 Special Judge Under TANPID Act Cases, TANPID Court, 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 respondent Police daily at 10.30 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/-
18/01/2018

/ TRUE COPY /

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



1 THE SPECIAL JUDGE, TANPID ACT CASES,
TANPID COURT, MADURAI

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

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

+1. CC to M/S.P. MAHENDRAN Advocate SR.No.906

ORDER
IN
CRL OP(MD) No.780 of 2018
Date :18/01/2018

PK/RR-CSL/SAR-2/25.01.2018 : 3P/5C