



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

Wednesday, the Eighteenth day of April Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.5759 of 2018

1 M.RAPHAEL

2 N.POONGOTHAI

3 R.THAMARAI SELVI

... PETITIONERS/ACCUSED RANK A1, A9 & A10

Vs

THE INSPECTOR OF POLICE

EOW, TRICHY.

CRIME NO.1/2016

... RESPONDENTS

For Petitioners : M/S.K.P.S.PALANIVEL RAJAN Advocate

For Respondent : MR.M.ASOKAN, Govt. Advocate (Crl. Side)

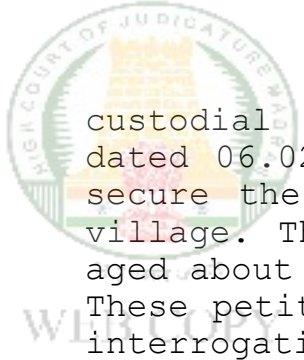
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A1, A9 and A10, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 120B, 406, 420 IPC and under Section 5 of Tamil Nadu Protection of Depositors Act, 1997, in Crime No.1 of 2016, on the file of the respondent police, seek anticipatory bail.

2. The learned Government Advocate (Criminal Side) appearing for the respondent states that the present petition is the fourth application seeking anticipatory bail. The first anticipatory bail application in Crl.O.P.(MD)No.23336 of 2016 was dismissed on merits dated 15.12.2016, the second anticipatory bail application moved in Crl.O.P.(MD)No.24171 of 2016 was dismissed as withdrawn on 16.06.2017. The third anticipatory bail application moved by the petitioners herein in Crl.O.P.(MD)No.1813 of 2018 was also dismissed on 06.02.2018. The learned Government Advocate (Criminal Side) for the respondent would further submit that the present petitioners were arrayed as A1, A9 and A10 in this case, the investigation is still pending, Accused Nos. 6 and 8 were died. The remaining accused Nos.1 to 5 are the Companies in this case.

3. The learned counsel appearing for the petitioners states that though the respondent was directed to secure the petitioner for



custodial interrogation in this case, as per order of this Court dated 06.02.2018. The respondent police has not taken any steps to secure the accused, though the petitioners are available in their village. The petitioners are aged persons and the first petitioner aged about 58 years and the second and third petitioners are female. These petitioners are ready to appear before the respondent for the interrogation as and when required by the respondent herein. The respondent has not taken any steps to complete the investigation and also file charge sheet so far in this case.

4.The learned Government Advocate (Criminal Side) appearing for the respondent further submit that 31 complaints have been received from the depositors against these petitioners and a sum of Rs.2,28,40,000/- (Rupees Two Crore Twenty Eight Lakh and Forty Thousand only) were cheated by these petitioners herein and no amount was recovered in this case.

5.Considering the above facts and circumstances of the case and also the case is pending from the year 2016 without any progress in the investigation of the accused and also the respondent has not take any steps to secure the accused for interrogation is necessary, since earlier petition was dismissed by this Court and the charges against the petitioners are based on records. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. 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 Judicial Magistrate No.I, Trichy, 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 report before the respondent police 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

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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/-
18/04/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, TRICHY
- 2 THE CHIEF JUDICIAL MAGISTRATE
TRICHY
- 3 THE INSPECTOR OF POLICE
EOW, TRICHY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.K.P.S.PALANIVEL RAJAN Advocate SR.No.6630

ORDER
IN
CRL OP(MD) No.5759 of 2018
Date :18/04/2018

SMA/CM-VR/GSR/20.04.2018:3P/6C