



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

Thursday, the Fourteenth day of March Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3578 of 2019

1 S.RAJA @ ALAGARSAMY
2 S.RAMESHKUMAR
3 A.SHAHUL HAMEED
4 BASHEER
5 BADHUSHA

... PETITIONERS / ACCUSED NO.1 TO 5

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ECONOMICAL OFFENCES WING,
TRICHY.
(CRIME NO.1/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.VADIVEL Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Section 5 of TANPID (F & E) Act, 1997 and Sections 406, 420 r/w 120(b) IPC in Crime No.01 of 2019 on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the petitioners running a real estate business in the name and style of Elfin.E.Com Pvt., Ltd., Trichy and collected huge amount to the tune of Rs.1,58,94,000/- from 80 victims. However, the said amount was not repaid to the defacto complainant. Therefore, the defacto complainant filed this complaint. Thereafter, remaining 79 victims joined together and filed a complaint before the respondent police.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution. Immediately, after registration of the case, all the accounts were frozen. Only a sum of Rs.69,00,000/- (Rupees Sixty Nine Lakhs Only) is lying in the account. The petitioners are



ready to transfer a sum of Rs.69,00,000/- to the Court. Further, they are ready to deposit a sum of Rs.90,00,000/- (Rupees Ninety Lakhs Only) to the credit of Crime No.01 of 2019.

4.The learned Government Advocate (Crl.Side) for the respondent police would submit that investigation is not yet completed.

5.Considering the facts and circumstances of the case and considering the fact that the petitioners are ready to deposit a sum of Rs.90,00,000/- to the credit of Crime No.01 of 2019, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is 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 TANPID Court, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall deposit a sum of Rs.90,00,000/- (Rupees Ninety Lakhs Only) to the credit of Crime No.01 of 2019 on or before 11.04.2019 for settling dues to the 80 victims;

(c)the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

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

(f)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**; and;

(g)if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

6.Post the matter on 12.04.2019 for reporting compliance.

sd/-
14/03/2019

/ TRUE COPY /



TO

1 THE JUDGE,
TANPID COURT, MADURAI.

2 THE INSPECTOR OF POLICE,
ECONOMICAL OFFENCES WING, TRICHY.

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

+1 CC to M/s.A.VADIVEL, Advocate (SR-4932[I] dated 15/03/2019)

ORDER

IN

CRL OP (MD) No.3578 of 2019

Date :14/03/2019

JM/VR/SAR 4/19.03.2019/3P/5C