

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

Monday, the Twenty Fifth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4128 of 2019

P. GIFTA

... PETITIONER / ACCUSED NO.8

Vs

STATE REP BY

THE INSPECTOR OF POLICE,

EOW UNIT-II, TIRUNELVELI.

(CRIME.NO.3 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.A.BALAJI Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 406, 420, 120(b) of IPC and Section 5 of Tamil Nadu Protection of Interest and Depositors Act, 1997 in Cr.No. 3 of 2016, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner received money from various persons in the name and style of MRDT company. Hence the complaint

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he is an innocent person. He would also submit that there are several cases pending against the second petitioner only. He would also submit that the third and fourth accused was released on bail by this Court in CrI.O.P(MD) No.3100 of 2017 and 1294 of 2017

3.The learned Government Advocate(Crl.side) appearing for the respondent police did not dispute the fact submitted by the learned counsel for the petitioner. He would also submit that investigation is pending.

4.Considering the facts and circumstances of the case and also considering the fact that co- accused were enlarged on bail, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Special Court for TANPID Act, cases Madurai on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) 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 petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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;

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

sd/-

25/03/2019

/ TRUE COPY /

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

TO

- 1 THE SPECIAL COURT FOR TANPID ACT,
CASES MADURAI.
- 2 THE INSPECTOR OF POLICE,
EOW UNIT-II, TIRUNELVELI.
- 3 ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.A.BALAJI Advocate SR.No.5430
PS/VR/SAR-4/27.03.2019/2P/5C

ORDER

IN

CRL OP (MD) No.4128 of 2019

Date : 25/03/2019