

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

Thursday, the Sixteenth day of May Two Thousand Nineteen

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD) No.6762 of 2019

S. MANIKANDAN ... PETITIONER / ACCUSED NO.6

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THENI
IN CRIME NO.4 OF 2019 ... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.M.JOTHIRAMALINGAM, Advocate

For Respondent : Mr.A.Robinson, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/A6, who apprehends arrest at the hands of the respondent Police, in connection with Crime No.4 of 2019, for the offence punishable under Sections 120(b), 406, 420 and 506(ii) of IPC, seeks anticipatory bail.

2.Heard Mr.M.Jothiramalingam, learned Counsel for the petitioner and Mr.A.Robinson, learned Government Advocate (Crl.Side) appearing for the State.

3. The case of the prosecution is that this petitioner and other accused started a company in the name and style of 'Jeyam Wealth Agrotech Limited' and collected money from various depositors, to the tune of Rs.1,10,00,000/- and thereafter, had cheated them.

4.The learned counsel for the petitioner would submit that there are totally eight accused in this case. The petitioner herein is arrayed as A6. Already co-accused in this case was granted anticipatory bail by this Court with a condition to deposit the original title deeds pertaining to the lands mentioned in the

affidavit filed by him with an undertaking that he will not make any alienation in respect of the properties, to which, the title deeds have been deposited before the learned Magistrate. He would further submit that other accused were granted anticipatory bail with a condition to deposit Rs.15,81,550/-. He would further submit that this petitioner had purchased some lands from the money collected from the people who are members in the Chit fund company and also Al in this case had settled the money to 2545 persons with interest of 12.5% by way of cash and for the remaining persons, he is also ready to settle the money. He would further submit that without prejudice to his right and contentions to show his bonafide he is ready to deposit Rs.2,00,000/- to the credit of the above crime number.

5.The learned Government Advocate (Crl. Side), did not dispute the fact submitted by the learned counsel for the petitioner. He would also submit that if the petitioner is ready to deposit some amount, this Court may consider and pass appropriate orders.

6.Considering the facts and circumstances of the case, also considering the fact that the petitioner himself has come forward to deposit Rs.2,00,000/- to the credit of the above crime number, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

7.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 on which the order copy was made ready before the learned Judicial Magistrate, Theni, on condition that the petitioner shall execute a separate 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 and on further conditions that:-

[a] the petitioner is directed to deposit Rs.2,00,000/- without prejudice to his rights and contentions to show his bonafire to the credit of crime number 4 of 2019, on the file of the learned Judicial Magistrate, Theni and thereafter sureties shall be accepted.

[b]the petitioner as well as the sureties shall submit a copy of their Aadhar card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m, and 4.30 p.m for a period of one week and thereafter daily at 10.30 a.m.,until further orders.

[d] the petitioner shall not tamper the evidence or witness either during investigation or trial.

[e] the petitioner shall co-operate for the investigation and the trial. The petitioner shall not abscond either during investigation or trial and in event of the petitioner absconds, the respondent police shall register a case as provided under Section 229-A IPC.

[f] in the event of breach of any of the aforesaid conditions, the learned Magistrate / trial Court is entitled to take appropriate action against the petitioner, as per the principles laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

sd/-
16/05/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE,
THENI
- 2 -DO-THRO-THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
DCB., THENI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.JOTHIRAMALINGAM Advocate SR.No.8513

सत्यमेव जयते
ORDER
IN

CRL OP(MD) No.6762 of 2019
Date :16/05/2019

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ES/JC/SAR 1/22.05.2019/3P/6C