



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/07/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8868 of 2019

1. K.Kannan
2. K.Rajasekar
3. K.Malathi

... Petitioners/Accused No.4 to 6

Vs

The Inspector of Police,,
Economic Offences Wing (Eow),
Madurai District..

... Respondent/Complainant

For Petitioners :Mr.R.Anand for M/s.G.M.Xavier,
Advocate.

For Respondent : Mr.V. Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.4 of 2017 on the file of the respondent Police.

ORDER : The Court Made the following order :-

The petitioners/ accused No.4 to 6, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406,420 of IPC and Section 5 of Tamil Nadu Protection of Interest of Depositors (In financial Establishment)Act 1997, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners would submit that the petitioners have been implicated in the above case only because they happen to be the relatives of A2. He further submitted that even in the confession statement said to have been recorded from A2 nothing has been mentioned about the involvement of these petitioners. He further submitted that except a bald



allegation that the petitioners herein also used to collect amount from the subscribers , no other materials have been produced by the prosecution to connect the petitioners with the aforesaid crime. He further submitted that already A2 and A3 were arrested and subsequently remanded to judicial custody and they are still in custody. He further submitted that already on 31.10.2017, A2 has lodged a complaint before the Commissioner of Police, Madurai stating that she and her husband alone have conducted a chit fund but she has not stated that these petitioners also collected amount on behalf of her. He further submitted that the first petitioner is owning a terraced house vide sale deed dated 30.03.2012 and if the investigation reveals that the petitioners herein also involved in the above crime, the respondent police can very well proceed against the said property and therefore he prayed to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that all the accused persons belong to the same family and all of them have jointly conducted un-registered chits for several years and collected Rs.26,87,800/- from various persons and subsequently they have not repaid the said amount. He further submitted that this is the fourth application seeking anticipatory bail and there is no change of circumstances for granting anticipatory bail to the petitioners. He further submitted that for the investigation purpose custodial interrogation of the petitioners is absolutely necessary and therefore he strongly opposed to grant anticipatory bail to the petitioners.

5. Though in the First Information Report , it is stated that these petitioners also used to collect money from the subscribers and they would sign in the pocket note book, the respondent police has not seized the said pocket note book. Further except a bald allegation that these petitioners used to collect money from the subscribers, no other materials have been collected by the respondent police to connect the petitioners herein with the aforesaid chit transactions. Even in the confession statement that is said to have been given by A2 also nothing has been recorded to implicate the petitioners in the above crime.

6. It is also to be pointed out that even though on previous occasions, three anticipatory bail applications were dismissed by this Court, the respondent police has not taken any steps to arrest the petitioners for the past more than one and half years. So it appears that only for the name shake the respondent police is opposing the anticipatory bail applications and they are not having any intention to arrest the petitioners.

7. Taking into consideration of the aforesaid facts and also considering the submissions made by the learned counsel for the petitioners that the first petitioner is owing a house property and



if the investigation reveals that these petitioners also involved in the above crime, the respondent police can very well take steps to attach the said property, hence this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Court Tnpid, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] if the petitioners fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent Police, daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for the interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
23/07/2019

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



1 THE SPECIAL JUDGE,
TNPID
MADURAI

2 THE INSPECTOR OF POLICE,
ECONOMIC OFFENCES WING (EOW),
MADURAI DISTRICT.

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

+1. CC to M/S.G.M.XAVIER Advocate SR.No.77367

ORDER
IN
CRL OP(MD) No.8868 of 2019
Date :23/07/2019

KM/VR/SAR-II (09.08.2019) 2P 5c