



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

Monday, the Eleventh day of February Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.22796 of 2018

AND

CRL OP(MD)NO.721 of 2019

1 SANTHI

2 BRINDHA

... PETITIONERS / ACCUSED NO.2 AND 3
IN CRL OP(MD)NO.22796 OF 2018

MANIRAJ @ MANIKANDAN

... PETITIONER / ACCUSED NO.1
IN CRL OP(MD)NO.721 OF 2019

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
ECONOMICS OFFENCE WING NO. II,
TRICHY.

(IN CRIME NO. 1 OF 2018)

... RESPONDENT / COMPLAINANT
IN BOTH PETITIONS

For Petitioners : Mr.N.RANJITH Advocate (IN BOTH PETITIONS)

For Respondent : Mr.S.CHANDRASEKAR, Additional Government Advocate
(IN BOTH PETITIONS)

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 Sections 406, 420, 120 (b) of IPC and Section 5 of the Protection of Interest of Depositors (In financial Establishment) Act, 1997 in Cr.No.1 of 2018 on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the petitioners are running a company in the name and style of WEEIBOO India Enterprises Private Limited and they have issued an advertisement in the Facebook stating that, if any interested person shall deposit the money as loan to the petitioners, they will get attractive benefits and accordingly, 981 victims have deposited the amount, worth about RS.1,52,96,500/- (Rupees One Crore and Fifty Two lakhs and Fifty Six Thousand Five Hundred only). Thereafter, the petitioners did not



make any payment to the victims, for which, the victims joined together and reported the defacto complainant and the defacto complainant filed a complaint before the respondent police against the petitioners.

3. The learned counsel for the petitioners would submit that though several cases are pending against the petitioners before the very same police station, in this case, they are ready to deposit the entire amount and initially, they are ready to pay a sum of Rs.1,00,00,000/- (Rupees One Crore only) on or before 04.03.2019. Thereafter, they will deposit the balance amount of Rs.52,56,500/- on or before 11.04.2019 to the credit of Crime No.1 of 2018 and the said amount may be disbursed to the victims.

4. The learned Additional Public Prosecutor appearing for the State would submit that if the petitioners are ready to deposit the said amount, this Court may consider the anticipatory bail applications filed by the petitioners. Thereafter, after making the deposit, this Court may direct the learned Judicial Magistrate No.II, Special Court for TANPID Cases, Madurai, to transfer the said amount to the District Revenue Officer / competent authority, and thereafter, after receiving the said amount, the District Revenue Officer, may disburse the entire amount in favour of the victims after having verified the identity of the victims.

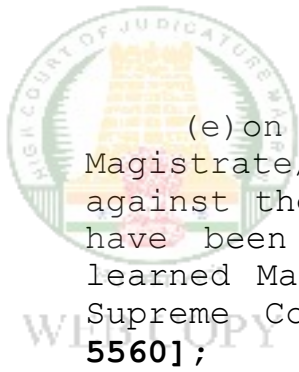
5. Considering the facts and circumstances of the case and considering the submission made by the learned counsel for the petitioners, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Special Court for TANPID Cases, Madurai, on condition that the petitioners 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 report before the respondent police daily at 10.30 a.m., until further orders;

(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 abscond, a fresh FIR can be registered under Section 229-A IPC; and ;

(g) the petitioners are directed to pay a sum of Rs.1,00,00,000/- (Rupees One Crore only) on or before 04.03.2019 to the credit of Crime No.1 of 2018 and thereafter, they are further directed to deposit the balance amount of Rs.52,56,500/- on or before 11.04.2019 to the credit of Crime No.1 of 2018 and after receiving the entire amount, the learned judicial Magistrate No.II, Special Court for TANPID Cases, Madurai is directed to transfer the said amount to the District Revenue Officer, Trichy, / competent person and after receiving the same, the District Revenue Officer, Trichy, / competent person, is directed to disburse the entire amount in favour of the 981 victims after having verified the identity of the victims and further the petitioners are directed to furnish the list of victims to the District Revenue Officer / competent person enable him to verify;

sd/-
11/02/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO-II,
SPECIAL COURT FOR TANPID CASES, MADURAI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
- 3 THE INSPECTOR OF POLICE,
ECONOMICS OFFENCE WING NO. II, TRICHY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE DISTRICT REVENUE OFFICER, TRICHY.

+2. CC to Mr.N.RANJITH Advocate SR.No.3011,3012
PS/JC/SAR-3/20.02.2019/3P/8C

ORDER
IN
CRL OP(MD) No.22796 of 2018
AND
CRL OP(MD) No.721 of 2019
Date :11/02/2019