



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

Date : 19/08/2019

PRESENT

The Hon'ble Mr. Justice P. RAJAMANICKAM

CRL OP (MD) . No.9987 of 2019

T. Durai Raja

... Petitioner/Accused No.4

Vs

The State rep. by

The Inspector of Police,

Economic Offence Wing-II Police Station,

Madurai,

(Crime No.5 of 2016).

... Respondent/Complainant

For Petitioner : M/s.S.A.Ajmal Khan,
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 Cr.No.5 of 2016 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner/accused no.4, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406,420,120(B) of IPC r/w. Section 5 of TANPID Act, 1997, seeks anticipatory bail.

2. Heard both sides.

3. The learned counsel appearing for the petitioner has submitted that since the petitioner is the brother of A3, he has been arrayed as an accused. He further submitted that the petitioner was one of the victims and he also deposited Rs.4,50,000/- with the A1 company. He further submitted that on 21.03.2016 itself, the petitioner has lodged a complaint before the District Crime Branch, Madurai by enclosing xerox copy of the receipts issued by A1 company in favour of the petitioner, but so far as no action has been taken on the said complaint. He further submitted that there is no evidence to link the petitioner with the A1 company and therefore he prayed to grant of anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that the petitioner herein is also one of the Directors of the A1 company and he conspired with other accused persons and collected Rs.17,00,000/- from the public and therefore he strongly opposed to grant anticipatory bail to the petitioner. However he fairly conceded that there is no documentary evidence that the petitioner is one of the Director of A1/ company and also there is no documentary evidence to show that the petitioner has collected money on behalf of the A1.

5. Taking into consideration of the submission made by the learned Additional Public Prosecutor that there is no material to show that the petitioner herein is one of the Directors of the A1/company and he has collected money on behalf of A1 company and also the submission made by the learned counsel for the petitioner that on 21.03.2016 itself the petitioner has lodged a complaint before the District Crime Branch Madurai stating that the A1 company has cheated him after receiving a sum of Rs. 4,50,000/- and also issued receipts but they failed to return the amount, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

[6] Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Court Under TANPID Act, 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 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 petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioner 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 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].

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

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sd/-
19/08/2019

/ TRUE COPY /

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

TO

- 1 THE JUDGE, SPECIAL COURT UNDER TANPID ACT,
MADURAI
- 2 THE INSPECTOR OF POLICE
ECONOMIC OFFENCE WING-II POLICE STATION,
MADURAI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.A.AJMAL KHAN, Advocate (SR-13651[I] dated 19/08/2019)

ORDER
IN
CRL OP (MD) No.9987 of 2019
Date :19/08/2019

AAV
ES/JC/SAR 1/22.08.2019/3P/5C