

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Seventh day of January Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.33996 of 2019

1 PRAKASH
2 SUBASHINI

[PETITIONERS / ACCUSED]

Vs

STATE INSPECTOR OF POLICE [RESPONDENT]
E.O.W II, HEAD QUARTERS,
CHENNAI.
CR. NO.4/2019

For Petitioner : M/S. S.SENTHILVEL Advocate

For Respondent : MR.C.IYYAPPARAJ, ADDITIONAL PUBLIC PROSECUTOR

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 offence under Sections 420, 409, 120(B) of I.P.C. and Section 5 of TNPID Act in Cr.No.4 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are the Core Committee Members of the first accused Company. It is alleged that on the basis of the assurance made by the petitioners that the amount deposited in the first accused Company would be repaid in double, the innocent people deposited some amount, however, the principal amount deposited by them itself were not repaid. It is the further case of the prosecution that since the petitioners are the Core Committee Members of the first accused Company, they made many innocent persons to deposit in the Company and as such they benefited to the tune of Rs.75 Lakhs.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. However, the learned counsel on instructions, would further submit that the petitioners are ready to deposit property security worth about Rs.50 Lakhs to the credit of the crime number.

4.The learned Additional Public Prosecutor would submit that the total amount cheated by the accused runs to the tune of nearly Rs.6 Crores and there are nearly 1,000 victims. Insofar as the petitioners are concerned, they have benefited to the tune of Rs.75 Lakhs.

5.Considering the fact that the petitioners are ready to deposit property security worth about Rs.50 Lakhs, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, 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 Judge, TNPID Court at Chennai, 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 shall jointly deposit property security worth about Rs.50,00,000/- (Rupees Fifty Lakhs Only) to the credit of the Cr.No.4 of 2019 before the learned Judge, TNPID Court at Chennai, within a period of two weeks.

(b)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)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]**; and;

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

7.However, this order will not stand on the way of the Law Enforcing Agency to proceed under the TNPID Act and attach the property as per TNPID Act.

-sd/-
27/01/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDGE,
TNPID COURT AT CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
E.O.W II, HEAD QUARTERS,
CHENNAI.

+1CC to M/S. S.SENTHILVEL Advocate on payment of necessary charges SR NO.1460

CRL OP.33996/2019

Date :27/01/2020

MK:31/01/2020

WEB COPY