



WEB COPY

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

Date : 19/06/2020

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.6010 of 2020

1. D.Mohankumar,
2. V.Sasidharan,
3. R.Dharmalingam,,
4. S.Kavitha, ... Petitioners/Accused Nos.19,20,21 & 23

Vs

State represented by
The Inspector of Police,
Economic Offence Wing-II,
Karur District.
Crime No.1/2020. ... Respondent/Complainant

For petitioners : Mr.A.Jayaramachandran,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime no.1 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 406, 420, 120 (B) of I.P.C. and Section 5 of TNPID Act, in Crime No.1 of 2020 on the file of the respondent police, seek anticipatory bail.



3. The case of the prosecution is that when the defacto complainant along with her mother residing in Salem, A2 and A3 in this case claiming themselves as the partners of Sree Nithi Capitals approached the defacto complainant and made enticing statements to the effect that if she deposited money in their company they would give more interest. Hence, the defacto complainant and her mother deposited Rs.12 lakhs and Rs.5,31,000/- respectively in the petitioners' company. Though they were paid the interest regularly till January 2019, all of sudden, the petitioners' company was closed and did not give any response. Hence, the case.

4. The learned counsel for the petitioners submit that the petitioners are only the staff members of the company and they never committed any offence as alleged by the defacto complainant. When Mr. Sivamani, Managing Director of the Company, who arrayed as A2 in this case, passed away during the month of January 2019, the company was locked. Thereafter, while the petitioners approached their family members to reopen the company, there is no response from them. He would further submit that the petitioners are innocent persons and law abiding citizens and pray to grant anticipatory bail. Learned counsel for the petitioners on instructions further submit that without prejudice to their rights, the petitioners are ready to deposit a sum of Rs.5,00,000/- (Rupees Five lakhs) each.

5. The learned Government Advocate (Crl. Side) submitted that the petitioners' company cheated a huge amount from many persons. Hence, stringent condition may be imposed on them.

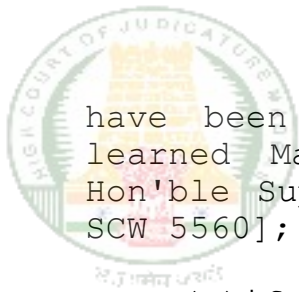
6. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioners with certain stringent conditions.

(i) Accordingly, petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Special Judge for TANPID Act, Madurai and on their executing 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 learned Magistrate concerned;

(ii) The petitioners are directed to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs) each to the credit of Crime No.1 of 2020 in the Special Court for TANPID Act, Madurai within a period of four weeks from the date of receipt of a copy of this order;

(iii) The petitioners shall appear before the respondent police daily at 5.00 p.m. for a period of two weeks, thereafter as and when required for interrogation.

(iv) 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 themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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

7.The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

8.The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

sd/-
19/06/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

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

ORDER
IN
CRL OP(MD) No.6010 of 2020
Date :19/06/2020

TM
AE/PN/SAR-III (22.06.2020) 3P 4C