



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/10/2020

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PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.7824 of 2020

Rameshkumar

... Petitioner/2nd Accused

Vs

The State rep. by
The Inspector of Police,
Economic Offence Wing-II,
Madurai City
Cr No.5/2016.

... Respondent/Complainant

For Petitioner : Mr.S.Selvakumar,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.05 of 2016 on the file of the Respondent Police.

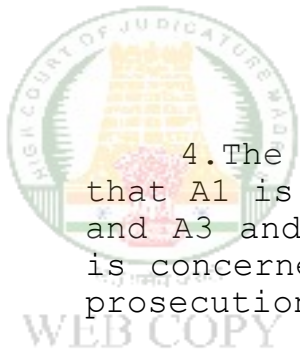
ORDER : The Court made the following order :-

The petitioner, who is arrayed as A2, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 120(b), 406 & 420 IPC r/w Section 5 of TANPID Act, in Crime No.5 of 2016, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused persons collected money from the general public on the assurance that they have pay with the huge interest. But they have failed to return back to the depositors. Hence, the case has been registered.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the

<https://hcservices.eprints.gov.in/hcservices/>



4.The learned counsel appearing for the petitioner would submit that A1 is the Company and A2 is the Managing Director of A1 Company and A3 and A4 were already granted bail. Insofar as the petitioner is concerned, he is nothing to do with the crime, as alleged by the prosecution.

5.The learned Government Advocate (Criminal Side), appearing for the respondent police submitted that the petitioner and other accused cheated more than Rupees 17 lakhs from the general public, but failed to return the entire amount. In fact, the petitioner already approached this Court for grant of anticipatory bail in Crl.O.P(MD)No.4557 of 2020 and the same was dismissed as withdrawn.

6.It is seen from the records that there are totally four accused in this case. This petitioner/A2 and other accused persons have collected more than Rupees 17 lakhs from the general public, but failed to return the entire amount. However, crime was registered in the year 2016, but the petitioner has not been secured by the respondent police and also they did not attach any property belongs to the petitioner.

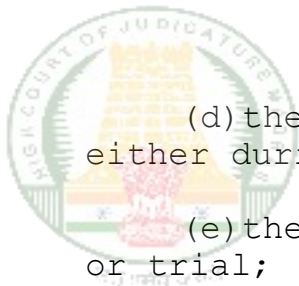
7.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with conditions.

8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned TANPID Court, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall deposit the proper original title deed since in the name of the petitioner and the relatives and his friends not less than value of Rs.25 lakhs with the proper valuation certificate of the authorities concerned;

(c)On such deposit, the petitioner shall report before the respondent police daily morning at 10.30 a.m., without fail, for a period of Two Weeks and thereafter as on when required for interrogation;



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

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

WEB COPY (f)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]; and;

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

sd/-

05/10/2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

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

ORDER

IN

CRL OP(MD) No.7824 of 2020

Date :05/10/2020

VSD

<https://hseervices.ecourts.gov.in/hseServices/> SPS/ AKM/ SAP-III/ 07.10.2020/ 3P/4C