



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/07/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.7965 of 2020

A.Gousigan

... Petitioner/
Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Economic Offences Wing,
Karur District.
Crime No.1 of 2020.

... Respondent/Complainant

For Petitioner : M/S.A.R.Suresh, 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 Cr.No.1 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner 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 1997, in Crime No.1 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that A2 and A3 in this case claiming themselves as the partners of Sree Nithi Capitals collected deposits from various depositors to the tune of Rs.3 Crores and failed to repay the same. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is only a sleeping partner. He would also submit that the petitioner is innocent and he has nothing to do with the alleged offence. The learned counsel for the petitioner on instructions further submit that without prejudice to his rights, the petitioner is ready to deposit a sum of Rs.5,00,000/- (Rupees Five lakhs).



4. The learned Government Advocate (Crl. Side) submitted that the petitioner is also a active partner and he has collected money from various depositors. He would also submit that co-accused in this case was granted bail by this Court.

5. Taking into consideration the facts and circumstances of the case and also taking note of the fact that co-accused in this case was granted anticipatory bail by this Court with a condition to deposit Rs.5,00,000/- (Rupees Five Lakhs only) in Crl.O.P.(MD) Nos.6010 and 7144 of 2020, 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 their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the Special Judge for TNPID Act, Madurai on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) each 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 is directed to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) 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;

(c) the petitioner shall report before the respondent police daily at 05.00 p.m for a period of two weeks and thereafter as and 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;

(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/-
30/07/2020

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/ /2020
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 SPECIAL JUDGE FOR TNPID ACT,
MADURAI.
2. THE INSPECTOR OF POLICE,
ECONOMIC OFFENCES WING,
KARUR DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.A.R.SURESH, Advocate (SR-5859[I] dated 31/07/2020)

ORDER
IN
CRL OP(MD) No.7965 of 2020
Date :30/07/2020

MS/PN/SAR-2/03.08.2020/3P.5C