

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.13134 of 2020

Sasikala Dharmaraj

... Petitioner

Vs.

The State represented by
Sub-Inspector of Police,
Economic Offences Wing-II,
Namakkal.
(Crime No.1 of 2019)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code praying to enlarge the petitioner on bail in the event of her arrest in Crime No.1 of 2019 pending trial on the file of the respondent.

For Petitioner : Mr.S.Elambharathi

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner is A7. Apprehending arrest at the hands of the respondent police for the alleged offence under Sections 120B and 420 of IPC and Section 5 of TN Protection of Interest of Depositors (In Financial Establishment) Act, 1997 and Sections 3, 4, 5 and 21 of Banning of Unregulated Deposit Schemes Ordinance Act, 2019, in Crime No.1 of 2019 on the file of the respondent police, the petitioner seeks anticipatory bail.

2. The case of the prosecution is that the accused were running a financial company collecting deposit from investors to the tune of Rs.7 crores and failed to repay the amount. Hence, the respondent police registered a case against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner was working as a caretaker in Vadapalani branch and her job is to explain the scheme and note the particulars of the depositors. He further submitted that the petitioner has not included in the offence. He further submitted that the petitioner

has also filed an undertaking affidavit dated 11.02.2021, stating that she is have two properties in Dindigul district and she will not alienate the said properties till the disposal of the case. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was in-charge of the Chennai branch and she was collecting the deposit from the depositors in Chennai branch. The main allegation against the petitioner is that using the depositors money she purchased jewels. He further submitted that the other accused were arrested and released on bail.

5. Considering the fact that the petitioner is stated to be only an employee of the finance company and that to she was only an incharge of one of the branch office and now it is stated that the co-accused were arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions :

(a) 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 Special Court for TNPID, Coimbatore**, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(b) 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.

(c) The petitioner shall appear before the respondent police 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]**.

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

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
22/02/2021

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 SPECIAL COURT FOR TNPID,
COIMBATORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB INSPECTOR OF POLICE,
ECONOMIC OFFENCES WING -II,
NAMAKKAL.

+1 CC to M/S. S.ELAMBHARATHI Advocate on payment of necessary charges SR.NO.2102

CRL OP.13134/2020

Date :22/02/2021

TA-02/03/2021

सत्यमेव जयते

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