



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.18192 of 2021

Nirmaladevi

.. Petitioner

Vs.

State Rep By
The Inspector of Police
Economic Offences Wing -II,
Coimbatore
Cr.No.4 of 2013.

.. Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C prayed to enlarge the petitioner on bail in Crime No.4 of 2013 pending on the file of the respondent police.

For Petitioner : Mr.G. Murugendran

For Respondent : Mr.A.Gopinath
Government Advocate (Criminal Side)

ORDER

The petitioner who was arrested on 14.07.2021 and remanded to judicial custody for the offences under Sections 120(B), 406, 420 of I.P.C of I.P.C and Section 5 of Tamil Nadu Protection of Interest of Depositors(In financial Establishments) Act, 1997 in Crime No.4 of 2013 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner along with other accused carrying Emu farm business and thereby collected a huge sum from the depositors and there was a default of payments to the depositors to the tune of Rs.69,00,000/-. The further case of the prosecution is that this court had already granted anticipatory bail to the petitioner in Cr1.O.P.No.17825 of 2013 dated 19.07.2013 with the condition to deposit 25% of the misappropriated amount to the credit of Crime No.4 of 2013, but still the petitioner has not deposited the amount. Hence the Court below issue proclamation notice and the petitioner was arrested and remanded to judicial custody.



3. The learned counsel for the petitioner submitted that the main accused is one Devaraj and the role of the petitioner with regard to the affairs of the company is very limited and the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 14.07.2021 . However, on instructions, the learned counsel further submitted that the petitioner, on his own volition, is ready to deposit 25% of the alleged misappropriated amount i.e Rs.17,25,000/- (Rupees seventeen lakh and twenty five thousand only) to the credit of Crime No.4 of 2013.

4. The learned Government Advocate (Crl.Side) submits that the petitioner and other accused misappropriated the company resources and there was a total default amount of Rs.17,25,000/- to be paid to the depositors. Hence he vehemently opposed for grant of bail to the petitioner.

5. Considering the fact that there is no previous case pending against the petitioner and the voluntary undertaking of the petitioner to deposit a sum of Rs.17,25,000/- (Rupees seventeen lakh and twenty five thousand only) to the credit of Crime No.4 of 2013 and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his 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 Special Judge, Special Court under TNPID Act, Coimbatore and on further condition that:

(a) the petitioner shall deposit a sum of Rs.17,25,000/- (Rupees seventeen lakh and twenty five thousand only) to the credit of Crime No.4 of 2013 within a period of two weeks from the date of receipt of a copy of this order and submit the said deposit receipt before the Special Judge, Special Court under TNPID Act, Coimbatore and a copy of the said deposit receipt shall also be submitted before the respondent police.

(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) In case of the petitioner failing to make such deposit with the prescribed time the respondent police shall take necessary action for getting the bail cancelled.

(d) the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;



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

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

(g) 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;

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

-sd/-

04/10/2021

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 JUDGE
SPECIAL COURT UNDER TNPID ACT,
COIMBATORE

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.G.MURUGENDRAN Advocate on payment of necessary charges SR.No.10984

CRL OP.18192/2021

Date :04/10/2021

APN 05/10/2021