



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Friday, the Twenty Ninth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.20338 of 2021

C.DINESH

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
EOW II, CHENNAI.
CRIME NO.25 OF 2021.

[RESPONDENT]

For Petitioner : M/S.K.J.SARAVANAN Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 120(b), 420 IPC and Section 5 of TNPID Act in Crime No.25 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is arrayed as A4 in this Case. The petitioner along with other accused persons introduced attractive schemes to the General Public promising that a deposit of Rs.1 Lakh by them would stand repaid after two months in a sum of Rs.1,30,000/- on the said promise, the petitioners along with other accused persons had collected huge sums of money from several depositors, but cheated them by not repaying the amount. Hence, the de-facto complainant had lodged a complaint before the respondent police and the FIR was registered.



3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he is an innocent and he is no way connected to the alleged offences and he is the only breadwinner of the family. Earlier occasion, this Court was granted bail to the co-accused persons in CrI.OP.Nos.19798 & 18417 of 2021 dated 26.10.2021. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate submitted that on earlier occasion, this Court appointed the Hon'ble Mr.Justice N.Kirubakaran, (Retd.,) to take over the affairs relating to settlement of claims made by the depositors. Hence, he has no serious objection to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and co-accused have already been released on bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Judge, TNPID Court on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m. till the issue is settled;

(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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

29/10/2021

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,
TNPID COURT, CHENNAI.

2 THE INSPECTOR OF POLICE,
EOW II, CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.K.J.SARAVANAN Advocate on payment of necessary charges SR.NO.12139

CRL OP.20338/2021

Date :29/10/2021

JPA 16/11/2021