



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 30/09/2021

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.2011 of 2021

1. MUTHALAGU
2. AMUTHA

... PETITIONERS/UNKNOWN ACCUSED

VS

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
ECONOMIC OFFENCE WING,
VISWANATHAUPRAM,
MADURAI DISTRICT.
(CRIME NO.1 OF 2021).

... RESPONDENT/COMPLAINANT

For Petitioners : Mr.R.Anandaraj, Advocate for
Mr.R.Karthic Rajan, Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

For Intervenor : Mr.J.Lawrance, Advocate

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

PRAYER :-

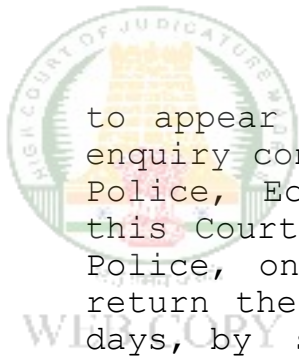
For Anticipatory Bail in Crime No.1 of 2021 on the file of the Respondent police

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police, for the offence punishable under Sections 406, 420 and 120(b) IPC and Section 5 of TNPID Act, in Crime No.1 of 2021, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that the second petitioner, who is the wife of the first petitioner, was running a chit company in the name and style of "Sreesai Atchaya Chit Fund", collected amount from various persons and cheated the depositors, without returning the amount to the tune of Rs.2,76,000/-. Hence, the complaint.

3. Considering the nature of offence, this Court, on earlier occasion, directed the respondent Police to conduct an enquiry and granted interim anticipatory bail to the petitioners, enabling them



to appear before the respondent Police for enquiry. Based on the enquiry conducted by the respondent Police, namely, the Inspector of Police, Economic Offence Wing-II, Madurai, filed a report before this Court that the accused persons appeared before the respondent Police, on 02.09.2021 and during the enquiry, they also agreed to return the money to the depositors within a period of fifteen (15) days, by settling their property in the name of the depositors. It is also agreeable for the depositors.

4. In view of the compromise arrived at between the parties, this Court is inclined to grant anticipatory bail to the petitioners.

5. Accordingly, the Criminal Original Petition is allowed. The petitioners are directed to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Special Court for TANPID Cases, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Judge concerned and on further conditions that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioners shall appear before the respondent Police daily at 10.30 a.m. until further orders;

(c) the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Judge/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners are released on bail by the learned Judge/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;

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

sd/-
30/09/2021

/ TRUE COPY /

/ /2021

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,
SPECIAL COURT FOR TANPID CASES,
MADURAI.
2. THE INSPECTOR OF POLICE,
ECONOMIC OFFENCE WING,
VISWANATHAUPRAM,
MADURAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.KARTHIIC RAJAN, Advocate (SR-6759[I] dated 30/09/2021)

ORDER
IN
CRL OP(MD) No.2011 of 2021
Date :30/09/2021

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USK/JM/SAR-IV/ (08.10.2021) 3P-5C