



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01.12.2021

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PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD) . Nos.17101 and 16990 of 2021

Crl.O.P. (MD)No.17101 of 2021

1.Uma Maheswari
2.Veera Selvam ... Petitioners/Accused Nos.3 and 4

Crl.O.P. (MD)No.16990 of 2021

1.Karuppiah
2.Ganapathy Ammal @ Ganapathy (Panchu)
... Petitioners /Accused Nos.1 and 2
Vs

1.State Rep by,
The Inspector of Police,
Subramaniapuram police station,
Madurai District.
(in Crime No.372 of 2021)

2.The Inspector of Police,
Economic Offences Wing,
Madurai. ... Respondents/Complainants
(in both petitions)

In Both Petitions

For Petitioners : Mr.Jerin Mathew, Advocate

For Respondents : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

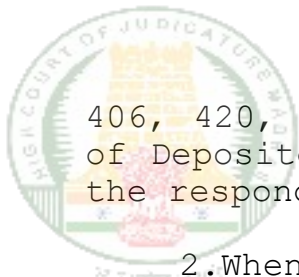
PETITIONS FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime Nos.371 and 372 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b) and 506(i) of IPC in Crime No.371 of 2021 and under Sections



406, 420, 506(i) of IPC and Section 5 of TN Protection of Interest of Depositors(In Financial Establishment) Act, 1997, on the file of the respondent police, seeks anticipatory bail.

2.When the matter was taken up by this Court on 02.11.2021, the learned counsel for the petitioner has submitted that out of the alleged misappropriation amount of Rs.2,15,000/-, the petitioners were prepared to pay a sum of Rs.30,000/- on 03.11.2021 itself and also ready to file an undertaking affidavit before the respondent police that they would repay the balance amount within a period of six months in equal monthly installments. After hearing the learned Additional Public Prosecutor, this Court had passed an order granting interim bail to the petitioner on condition that the petitioner shall draw a Demand Draft in favour of the victim, for a sum of Rs.30,000/- and produce the same before the respondent police on 03.11.2021, who in turn shall hand over the same to the victim, that the petitioner shall also file an undertaking affidavit before the respondent police as to how they will repay the balance amount to the victim and further this Court directed the petitioners to appear before the respondent police and co-operate for enquiry and directed the respondent police to conduct investigation and file a comprehensive report before this Court.

3.It is seen from the records that at the instance of the petitioners, this Court had granted further one week time for reporting compliance vide order dated 16.11.2021.

4.When the matter is taken up today(01.12.2021), the learned Additional Public Prosecutor would submit that the petitioners have not complied with the directions of this Court.

5.The learned counsel for the petitioner would submit that though they are admitting the receipt of the amount, they have been paying the amount then and there and that therefore, the question of cheating does not arise.

6.The learned Additional Public Prosecutor would submit that though the First Information Report came to be registered in Crime No.372 of 2021 on the file of the Subramaniyapuram Police Station, the same was transferred to the second respondent and a First Information Report came to be registered in Crime No.5 of 2021 on the file of the second respondent police for alleged offences under Section 406, 420 and 506(i) of IPC and Section 5 of Tamil Nadu Protection of Interest of Depositors (in Financial Establishment) Act 1997. Since the petitioners have themselves expressed their willingness to pay the amount and also undertakes to file an affidavit for making the balance payment within a period of six months, they have not chosen to comply the orders of this Court.

7.Considering the seriousness and gravity of the offences and the quantum of amount and the fact that the investigation is



pending on the file of the second respondent police as stated by the learned Additional Public Prosecutor, this Court is not inclined to grant anticipatory bail to the petitioners.

8. Accordingly, these Criminal Original Petitions stand dismissed.

sd/-
01/12/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNN

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 INSPECTOR OF POLICE,
SUBRAMANIAPURAM POLICE STATION,
MADURAI DISTRICT.
- 2 THE INSPECTOR OF POLICE,
ECONOMIC OFFENCES WING, MADURAI
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.17101 &
16990 of 2021
Date : 01/12/2021

MK/VR/SAR-3/07.12.2021/3P/4C