



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 29/12/2021

PRESENT

The Hon'ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.21019 of 2021

M.R.SAMINATHAN

... PETITIONER/ACCUSED NO.4

VS

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
ECONOMIC OFFENCE WING,
TIRUCHIRAPPALLI.
(CRIME NO. 3 OF 2021).

... RESPONDENT/COMPLAINANT

For Petitioner : M/s. AR.L.Sundaresan, Senior Advocate for
Mr.N.Ranjith, Advocate.

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

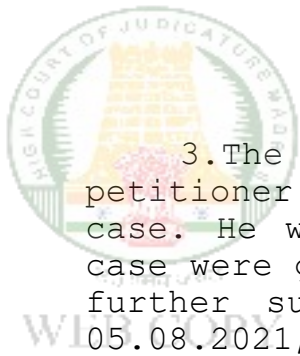
PRAYER :-

For Bail in Crime No.3 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4, who was arrested on 05.08.2021 for the offences punishable under Sections 406,420,120(B) of IPC and Section 5 of Tamil Nadu Protection of Interest of Depositors(In financial Establishment) Act, 1997 in Crime No.3 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the first accused is engaged in the business under the name and style of KCL Milk and Dairy and also running a financial company at Kumbakonam. The petitioner along with other accused induced the defacto complainant to invest their money in the said finance on various schemes. On believing their words, some of the persons had invested their money in the above finance and after the maturity period, A1 failed to repay the money to the investors and also abused them in filthy language and also threatened with dire consequences.



3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that some of the co-accused in this case were granted bail and anticipatory bail by this Court. He would further submit that the petitioner is in judicial custody from 05.08.2021, hence he seeks bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent opposed the bail petition on the ground that the investigation is not yet completed. He would further submit that some of the properties of the accused persons have also been attached by the respondent police. He would also submit that the respondent police is still receiving complaint from the investors.

5. Taking note of the fact and circumstances of the case and also the fact that the substantial portion of the investigation might have been completed by this time and the fact that the petitioner is in judicial custody from 05.08.2021 and also the fact that some of the properties of the accused have been attached by the respondent police, this Court is inclined to grant bail to the petitioner

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 Special Court under the Tamil Nadu Protection of Interest and Depositor (In financial Establishment) Act, 1997, Madurai and on further condition that:

[a] 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.

[b] the petitioner shall report before the respondent police daily at 10.30 am., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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]**.



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
29/12/2021

WEB COPY

/ TRUE COPY /

29/12/2021
Sub-Assistant Registrar (C.S.IV)
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 SESSIONS JUDGE,
SPECIAL COURT UNDER THE TAMIL NADU PROTECTION
OF INTEREST AND DEPOSITOR
(IN FINANCIAL ESTABLISHMENT) ACT, 1997,
MADURAI.
2. THE OFFICER-INCHARGE,
DISTRICT PRISON, PUDUKKOTTAI.
3. THE INSPECTOR OF POLICE,
ECONOMIC OFFENCE WING,
TIRUCHIRAPPALLI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.21019 of 2021
Date :29/12/2021

USK/CK/SAR-IV/ (29.12.2021) 3P 5C