



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Third day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.6167 of 2022

M.GOMATHY

[PETITIONER / ACCUSED]

Vs

STATE BY

[RESPONDENT]

THE SUPERINTENDENT OF POLICE,
ECONOMIC OFFENCE WING-II,
COIMBATORE.

(CRIME NO.6 OF 2019)

For Petitioner : M/S.K.VENKATACHALAM Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner herein apprehending arrest on receiving summon from the respondent Police in Crime No.06 of 2019 of the file of Economic Offences Wing, Coimbatore is before this Court seeking anticipatory bail. The summons reads that it is the second summon to the petitioner and her presence is required on 08.03.2022 in connection with offences under Section 420, 406, 120(b) of IPC r/w 5 of TNPID Act in Crime No.06 of 2019.

2. The learned counsel appearing for the petitioner would state that Crime No.06 of 2019 was investigated by the respondent police and final report has already been filed before the Special Court for Company Cases at Coimbatore and the same was taken on file in C.C.No.24 of 2021. While so the case where the investigation has already been completed and the charges were also framed on 22.03.2022. In such circumstances causing notice under Section 41A is unwarranted.

3. The learned Government Advocate (crl.side) appearing for the respondent filed a detailed counter where he has narrated the circumstances on which the summons were served.



4. From the counter, this Court finds that though the Crime No.06 of 2019 was investigated and final report was filed, from the information given by one of the accused it appears that it is a multi level marketing business, the petitioner herein, who has invested Rs.4,35,000/-, has harvested Rs.1,66,84,213/- and this fact came to the light of the Investigating Officer at the time of filing final report. It is also stated that the 1st accused company in Crime No.06 of 2019 has collected deposits from 14239 investors to the tune of Rs.85,77,35,000/- and therefore further investigation is warranted.

5. As some new information was received by the Investigating Officer through petition and he wants to enquire about the same and that is why the summons were issued and if the petitioner would give satisfactory explanation about the allegation there may not be any necessity to arrest her.

6. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Special Judge TNPID Court, Coimbatore on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioner and 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., until further orders;

(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/-

23/03/2022

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,
COIMBATORE.

2 THE SUPERINTENDENT OF POLICE,
ECONOMIC OFFENCE WING-II,
COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2CC to M/S.K.VENKATACHALAM Advocate on payment of necessary charges SR.No.4485

CRL OP.6167/2022

Date :23/03/2022

CSK 28/03/2022