



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.10718 of 2022

SUDHAN PALANISAMY

[PETITIONER / ACCUSED]

Vs

STATE OF TAMILNADU REP.BY ITS
THE INSPECTOR OF POLICE,
SALEM CITY CENTRAL CRIME BRANCH,
AMMAPET TOWN POLICE ROAD,
AMMAPET, SALEM DISTRICT.
CRIME NO.18 OF 2019.

[RESPONDENT]

For Petitioner : M/S.M.VIMAL B.CRIMSON Advocate

For Respondent : MR.A.DAMODARAN, Additional public Prosecutor

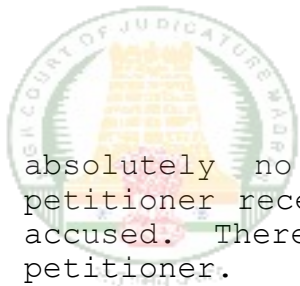
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420 & 506(i) of IPC in Crime No.18 of 2019, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused collected a sum of Rs.27,60,000/- from the investors with attractive schemes that the invested amount will be doubled and thereafter they cheated the investors. It is further alleged that the petitioner received the entire amount from the other accused and went into hiding. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is arrayed as A3 and the first and second accused were arrested and released on bail. He further submitted that in fact during the investigation, the petitioner was called for enquiry and his passport was impounded by the respondent police and subsequently, it was released by this Court. During the investigation, there is



absolutely no allegations as against the petitioner as if the petitioner received a sum of Rs.27,60,000/- from the first and second accused. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is the main person who received the entire cheated money from the first and second accused. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. The allegation is that the petitioner and other accused received money from the public and assured that they will return the same with double interest. It is seen that the crime is of the year 2019 and the petitioner was called for enquiry. In fact his passport was impounded by the investigating agency and subsequently it was released by this Court in CrI.R.C.No.513 of 2020 by an order dated 21.07.2020. Considering the above fact and circumstances of the case, this Court feels that the custodial interrogation of the petitioner is not necessary in this case and therefore this Court is inclined to grant anticipatory bail to the petitioner with 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 on which the order copy made ready, before the learned Judicial Magistrate-II, Salem, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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 a.m. for a period of four weeks and thereafter as and when required for interrogation.

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

[d] the petitioner shall not abscond 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/-
08/06/2022

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 JUDICIAL MAGISTRATE,
NO.II, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
SALEM CITY CENTRAL CRIME BRANCH,
AMMAPET TOWN POLICE ROAD,
AMMAPET, SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.VIMAL B.CRIMSON Advocate on payment of necessary charges SR.NO.8671

CRL OP.10718/2022

Date :08/06/2022

JPA 13/06/2022