



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.25171 of 2021

Krishnamurthy

... Petitioner

Vs.

The State rep by
The Inspector of Police
Economic Offences Wing
Coimbatore
Crime No.04 of 2013

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in C.C.No.08 of 2021 on the file of the Special Judge, Special Court, TNPID Act, Coimbatore.

For Petitioner : Mr.G.Murugendran

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 14.07.2021 for the offences under Sections 120(B), 406, 420 of IPC and 5 of Tamil Nadu Protection of Interest of Depositors (In Financial Establishments) Act, 1997 in Crime No.04 of 2013 on the file of the respondent police.

2. The case of the prosecution is that the petitioner along with other accused has carried on Emu Farm business and misappropriated a huge amount from the depositors. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the charge sheet has been filed and the case has been taken on file in C.C.No.8 of 2021 on the file of the learned Special judge, Special Court, TNPID Act, Coimbatore. He would further submit that the



petitioner's property namely 8 Housing sites and 4 Housing sites, situated at Thondamuthur, in S.F.No.30/1 and 31/3, Vellimalaipattinam Village which are worth about Rs.80 lakhs have already been attached by the respondent. Further, Section 5A of the TNPID Act is a compoundable offence and only if the petitioner is released on bail, he could take steps to compound matter and that the petitioner has been suffering incarceration for more than 6 months from 14.07.2021. Hence, he would pray for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would raise strong objection stating the petitioner/A2 and his wife were earlier granted anticipatory bail by this Court in Crl.O.P.No.17825 of 2013 by order dated 29.07.2013 and since, they did not comply with the order of this Court directing them to deposit a sum of Rs.17 lakhs to the credit of crime number, they were arrested and remanded to judicial custody. Subsequently, the wife of the petitioner was granted bail by this Court in Crl.O.P.NO.18192 of 2021 by order dated 04.10.2021 with a condition to deposit a sum of Rs.17,25,000/- to the credit of crime number and she has not complied with the condition yet.

5. Considering the facts and circumstances of the case and the fact that the investigation is completed and the charge sheet has been filed and the same has been taken on file and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) the petitioner shall deposit a sum of Rs.20,00,000/- (Rupees Twenty Lakhs Only) to the credit of Crime No.04 of 2013 on or before 02.02.2022 and on such deposit, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Special Judge, Special Court under TNPID Act, Coimbatore, failing which the bail granted by this Court shall stand dismissed automatically;

(c) 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;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.



(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;

(g) 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;

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

6. Compliance report by 02.02.2022

-sd/-

19/01/2022

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,
SPECIAL COURT UNDER TNPID ACT, COIMBATORE.

2 THE INSPECTOR OF POLICE,
ECONOMIC OFFENCE WING,
COIMBATORE.

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.G.MURUGENDRAN Advocate on payment of necessary charges SR.NO.754

CRL OP.25171/2021

Date :19/01/2022

JPA 19/01/2022