



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated: 24/03/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

WEB COPY

Crl.OP(MD)No.1979 of 2022

1.Masudhammal
2.Kamila Banu

... Petitioners/Accused Nos.5 & 7

Vs.

The State rep. By
The Inspector of Police,
Economic Offences Wing-II,
Dindigul, Dindigul District.
(Crime No.2 of 2020)

... Respondent/Complainant

For Petitioners : Mr.A.Ajmal Khan, Senior Counsel
for M/s.Ajmal Associates

For Respondent : Mr.SS.Madhavan
Government Advocate (Criminal side)

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

PRAYER :- For Anticipatory Bail in Crime No.2 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who were arrayed as A5 and A7 apprehending arrest at the hands of the respondent police for the alleged offences punishable under sections 406, 420, 120-B IPC and section 5 of Tamil Nadu Protection of Interest of Depositors In Finance Establishment Act, 1997, in Crime No.2 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The petitioners are facing the charges for the offences under sections 406, 420, 120-B IPC and section 5 of Tamil Nadu Protection of Interest of Depositors In Finance Establishment Act, 1997.

3.Heard both sides.

4.This is the third anticipatory bail and the earlier application, which was filed by the petitioners was dismissed by this court, based on the observation that was made by our predecessor, while granting interim relief. Para 9 of the order reads as follows:-

"9.Considering the objection raised by the learned Additional Public Prosecutor and the prima

<https://hcservices.ecourts.gov.in/hcservices/>



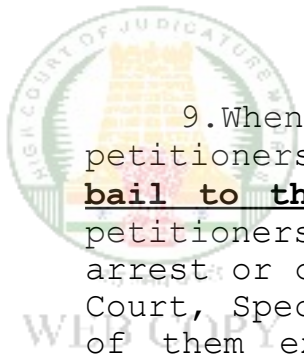
facie material produced by the investigation agency I.e., the bank transactions, this court is not inclined to grant anticipatory bail to the petitioners. However, considering the fact that the petitioners are only co-sharers and the volume of fraud projected, this court grants interim anticipatory bail to the petitioners, for a period of four weeks, enabling them to appear before the respondent police and co-operate with the investigation. The petitioners shall appear before the respondent police weekly twice I.e., on Monday and Friday at 10.00 a.m, for interrogation. The Investigation Agency shall find out whether any amount have been transferred to the petitioner's Bank Account and file a report before this court, as to the role played by them, in the commission of offence and file a report before this court on the next hearing."

5.By extracting the above said observation, the petition was dismissed by me on the ground that when such an observation made by our predecessor, it may not be proper on my part to revisit the observation. By observing so, that was dismissed. Subsequent to that, this petition came to be filed.

6.At the time of argument, the learned Senior counsel has submitted that absolutely, no prima facie materials have been collected during the course of investigation by the respondent herein to show that these petitioners also involved in the above said crime and also shared the profit. According to him, when the observation, that was made by this court in the earlier occasion, when it is not supported by materials, the same can be re-canvassed by him.

7.I find some force in the above said submission. The petition was entertained and the report was called from the respondent to show, whether the amount involved in the above said offence has been shared by the petitioners and also find out the money transaction in the account maintained by the petitioner. The petitioners are also directed to produce the Bank passbook to the respondent for the purpose of further investigation. On that ground, this petition was repeatedly adjourned.

8.Finally, the learned Government Advocate (Criminal side) has submitted that even though the petitioners are related to A1, who are said to have misappropriated and cheated money to the tune of Rs.23 Crores, these petitioners are living away from A1 and so, no materials are available to show that these petitioners also shared the profit of the crime and there is no material also to show that the amount involved in the above said offence has been transferred to the bank account of the petitioners.



9. When such being the position, considering the fact that the petitioners are women, this court is inclined **to grant anticipatory bail to the petitioners** with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate Court, Special Court of TNPID (FE), Act cases, Madurai and on each of them 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 learned Magistrate concerned and the petitioners shall appear before the respondent police once in a week, preferably on every Monday at 10.00 a.m. until further orders and cooperate with the investigation process. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail will stand dismissed.

sd/-

24/03/2022

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/ /2022

Sub-Assistant Registrar (C.S.)
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 JUDICIAL MAGISTRATE
SPECIAL COURT OF TNPID(FE) ACT CASES, MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
ECONOMIC OFFENCES WING-II,
DINDIGUL, DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.AJMAL ASSOCIATES Advocate SR.No.2488

ORDER IN

CRL OP(MD) No.1979 of 2022

Date : 24/03/2022

SA/PN/SAR.3/29.03.2022/3P/6C