



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

Date : 01/03/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.3605 of 2022

WEB COPY

1. Karuppiah
2. Ganapathi @ Panchu ... Petitioners/Accused No.1 and 2

Vs

The State Rep. By,
The Inspector of Police,
Eow Unit - II, Police Station,
Madurai.

(Crime No. 5 of 2021). ... Respondent/Complainant

For Petitioner : M/s. Jerin Mathew.M.,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

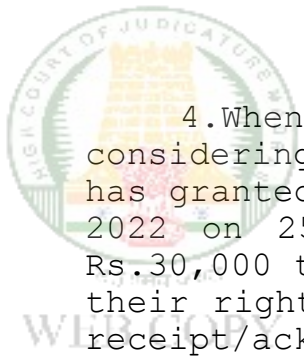
For Bail in Crime No.5 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who were arrested and remanded to judicial custody on 11.01.2022 for the offences punishable under Sections 406, 420, 506(1) of IPC r/w 5 of Tamil Nadu Protection of Interest of Depositors (In Financial Establishment) Act, 1997 in Crime No.5 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the A4 has borrowed some money from the de-facto complainant and when the de-facto complainant asked to return the money, the petitioners and other accused abused and criminally intimidated him. Hence, the complaint.

3.It is evident from the records that the petitioners along with other two accused had filed an application for anticipatory bail in Crl.O.P.(MD) Nos.17101 & 16990 of 2021 and this Court, by observing that the earlier orders of this Court, to pay the amount Rs.30,000/- within a time stipulated by this Court and to settle the remaining amount within a time stipulated by this Court, have not been complied with, has dismissed the petition.



4. When the matter was taken up for hearing on 25.02.2022, considering the undertaking affidavit given by A3 and A4, this Court has granted anticipatory bail to A3 and A4 in CrI.O.P. (MD) No.1339 of 2022 on 25.02.2022 and directed A3 and A4 to deposit a sum of Rs.30,000 to the credit of Crime No.05 of 2021 without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned District Sessions Court, TNPID Court, Madurai.

5. The learned counsel for the petitioners has filed an affidavit sworn by the petitioners and wherein, they have undertaken to deposit the remaining amount of Rs.1,85,000/- within a time stipulated by this Court and also to endeavor to settle the amount within a period of six months subject to correct amount as per records.

6. The learned Additional Public Prosecutor for the respondent would submit that the petitioners are not having any previous cases.

7. Considering the nature of charges levelled against the petitioners and also taking note of the undertaking affidavit given by the petitioners and also the facts that the petitioners are not having any bad antecedents and that the petitioners are in judicial custody from 11.01.2022, this Court is inclined to grant bail to the petitioners subject to the following conditions.

8. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the Special Court under the Tamil Nadu Protection of Interest of Depositors (In Financial Establishment) Act, 1997, Madurai.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioners shall deposit a sum of **Rs.1,85,000/- (Rupees One Lakhs and Eighty Five Thousand Only)** to the credit of Crime No.05 of 2021 before the Special Court under the Tamil Nadu Protection of Interest of Depositors (In Financial Establishment) Act, 1997, Madurai, within a period of three months, without prejudice to their rights and contentions, failing which, the bail granted to the petitioners shall stand automatically cancelled;

(iii) the petitioners shall appear before the respondent police daily at 10.30 a.m, for a period of thirty days and thereafter, as and when required for interrogation;



iv) the petitioners shall not tamper with evidence or witness.

v) the petitioners shall not abscond during trial.

vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

vii) If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

01/03/2022

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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 SPECIAL JUDGE,
SPECIAL COURT UNDER THE TAMIL NADU PROTECTION OF
INTEREST OF DEPOSITORS (IN FINANCIAL ESTABLISHMENT) ACT, 1997,
MADURAI.
2. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
3. THE INSPECTOR OF POLICE,
EOW UNIT - II, POLICE STATION, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.JERIN MATHEW, Advocate (SR-1618[I] dated
01/03/2022)

ORDER IN

CRL OP(MD) No.3605 of 2022

Date : 01/03/2022