



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/04/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.4132 of 2022

K.Rameshkumar

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Economic Offence Wing - II,
Madurai City,
(Cr.No.5/2016) .

... Respondent/Complainant

For Petitioner : M/s.Chandran B,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No.5 of 2016 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 120(B) IPC and Section 5 of TNPID Act, in Cr.No.5 of 2016, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the other accused persons collected money from the general public on the assurance that they will pay with the huge interest. But they have failed to return back to the depositors. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and not committed any offence as alleged by the prosecution. He would further submit the petitioner has filed a petition in Crl.OP.(MD)No.7824 of 2020, seeking anticipatory bail and this Court vide order dated 05.10.2020, has granted anticipatory bail, directing the petitioner to deposit the proper original title



deed since in the name of the petitioner and the relatives and his friends not less than value of Rs.25 lakhs with the proper valuation certificate of the authorities concerned.

4.The learned counsel for the petitioner would further submit that since the petitioner and his relatives are not having any properties worth about Rs.25 lakhs, he could not furnish the sureties. He would further submit that the petitioner has already deposited a sum of Rs.4,50,000/- before the RDO and that the petitioner is ready and willing to deposit a sum of Rs.5 lakhs into the Court.

5.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner has already deposited a sum of Rs.4,50,000/- before the RDO. He would further submit that the petitioner is not having any previous case.

6.Considering the facts and circumstances of the case and also the facts that the petitioner has already granted anticipatory bail by this Court and that the petitioner is not having any bad antecedents as stated by the learned Government Advocate (Criminal Side) and also taking note of the submissions of the learned counsel for the petitioner that the petitioner is ready and willing to deposit a sum of Rs.5 Lakhs, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioner is directed to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) before the TNPID Court, Madurai, to the credit of Crime No.5 of 2016 without prejudice to his rights and contentions.

8.On production of such receipt/acknowledgment, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Magistrate, TNPID Court, Madurai, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(c)the petitioner shall not tamper with the evidence or witness
<https://hcservicescourtdgpr.in/hcservices/> 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 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]***; and;

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

sd/-

20/04/2022

/ TRUE COPY /

/ /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 Magistrate, TNPID Court,
Madurai.
2. Do-Through The Chief Judicial Magistrate,
Madurai District.
3. The Inspector of Police,
Economic Offence Wing - II,
Madurai City, Madurai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.B.CHANDRAN, Advocate (SR-3597[I] dated 20/04/2022)

ORDER IN

CRL OP(MD) No.4132 of 2022

Date : 20/04/2022

RS/VR/SAR.2 (26.04.2022) 3P-6C

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