



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/04/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.5687 of 2022

P.Veeramayandi

... Petitioner/Accused No.35

Vs

State Rep.by
The Inspector of Police,
Economic Offences Wing-II,
Madurai.
(Cr.No.08/2016) .

... Respondent/Complainant

For Petitioner : M/s.Karthick R.J.,
Advocate.

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

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

PRAYER :-

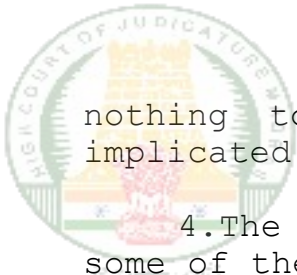
For Bail in Crime No.08 of 2016 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A35, who was arrested and remanded to judicial custody on 25.02.2022 for the offences punishable under Sections 120 (b), 406 and 420 IPC and Section 5 of Tamil Nadu Protection of Interest of Depositors (in Financial Establishment) Act, 1997, in Crime No.08 of 2016, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the accused had collected funds from the general public by offering false promise that lump sum of returns in various scheme will be given at its maturity and after receiving the money, they failed to keep the promise. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner was implicated only on the basis of the confession alleged to have taken from the co-accused, that the petitioner has



nothing to do with the scheme and that he has been falsely implicated in the above case.

4.The learned Additional Public Prosecutor would submit that some of the accused were already arrested and released on bail, that the petitioner was added only on the basis of the confession statement given from the co-accused and that the petitioner was arrested on 25.02.2022 and he is in judicial custody.

5.Today, when the matter is taken up for hearing, the learned counsel for the petitioner has filed an undertaking affidavit sworn by the petitioner, wherein, the petitioner has specifically given an undertaking to deposit a sum of Rs.5,00,000/- by way of demand draft to the credit of Crime No.08 of 2016 on the file of the Special Court under TANPID Act Cases, Madurai, without prejudice to his rights and contentions and he has also produced the copy of the demand draft before this Court.

6.Considering the above facts and circumstances and also taking note of the undertaking affidavit given by the petitioner and also the fact that the petitioner is in judicial custody from 25.02.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner shall produce the demand draft for a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Crime No.08 of 2016 before the Special Court under TANPID Act Cases, Madurai, without prejudice to his rights and contentions before the trial Court.

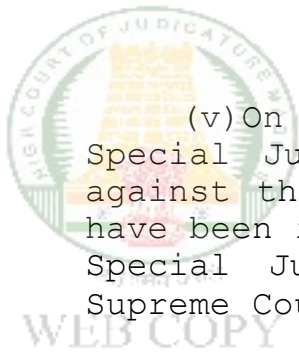
8.On production of such demand draft, the petitioner is ordered to be released on bail on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Special Court under TANPID Act Cases, Madurai and on further conditions that:

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

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

(iii)the petitioner shall not tamper with evidence or witness;

(iv)the petitioner shall not abscond during trial;



(v) On breach of any of the aforesaid conditions, the learned Special Judge/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 Special Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***.

(vi) If the accused / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

08/04/2022

/ TRUE COPY /

08/04/2022

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 JUDGE,
SPECIAL COURT UNDER TANPID ACT CASES,
MADURAI.

2 THE OFFICER INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.

3 THE INSPECTOR OF POLICE
ECONOMIC OFFENCES WING-II,
MADURAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-3149[I] dated 08/04/2022)

ORDER

IN

CRL OP(MD) No.5687 of 2022

Date : 08/04/2022