

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 10/10/2022

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.7810 of 2022

1. S.K.Mohamed Jaffar
2. K.Abdul Rahman ... Petitioners/Accused Nos-1, 5
Vs

1. State rep. by
The Inspector of Police,
Economic Offences Wing II,
Madurai.
Crime No.03 of 2018.

2. The Superintendent of Police,
Economic Offences Wing-II,
Ashok Nagar,
Chennai-32.

(R2 is Suo Motu Impleaded as per
Order of this Hon'ble Court Dated
27.06.2022 in Crl.OP(MD).7810/2022) ... Respondents/Complainants

For Petitioners : Mr.Mohideen Basha, Advocate
for M/s.Haroon Rasheed.D.S., Advocate.
For Respondents : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.3 of 2018 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and
the learned Additional Public Prosecutor appearing for the
respondents.

2.The petitioners apprehending arrest at the hands of the
respondent police for the offences punishable under sections 406,
420, 120B of IPC and Section 5 of TNPID Act, in Crime No.3 of 2018
on the file of the respondent police, seek anticipatory bail.

3.The question is whether the petitioners are entitled to the
grant of anticipatory bail. It is true that the earlier petitions
filed by the petitioners suffered dismissal. More than four years
have elapsed and even though on several occasions, the matter was

adjourned, the respondents are not able to quantify the amount involved.

4.Today, the Additional Director General of Police, Economic Offences Wing, Chennai himself has filed a status report. Paragraph No.11 of the status report reads as follows:-

11 (a). It is respectfully submitted that the investigation officer failed to bring on record the actual number of depositors and the total amount of deposited money. Hence, disciplinary action had been initiated against him under rule 3(a) of Tamil Nadu Sub-ordinate Services (D&A) Rules, 1955 on 03.10.2022.

(b) Hence, it is respectfully submitted that the Superintendent of Police has been directed to follow the investigation closely and ensure that the investigation is completed within three months.

5.The learned Additional Public Prosecutor would state that the respondents are confident of filing a final report within three months. Since the case against the petitioner rests entirely on documentary evidence, their arrest may not be required.

6.In view of the above, I am 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 SPL Court of TNPID Madurai, and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only)each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners shall appear before the first respondent at 10.30 a.m., continuously for a period of 10 days from tomorrow itself and thereafter as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

7.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 shall stand dismissed.

sd/-
10/10/2022

/ TRUE COPY /

12/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDGE, SPECIAL COURT FOR TNPID, MADURAI.

2 THE INSPECTOR OF POLICE, ECONOMIC OFFENCES WING II, MADURAI.

3 THE SUPERINTENDENT OF POLICE, ECONOMIC OFFENCES WING II,
ASHOK NAGAR, CHENNAI-32.

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

+1. CC to M/S.HAROON RASHEED.D.S. Advocate SR.No.48649[F] dated
10.10.2022

ORDER

IN

CRL OP(MD) No.7810 of 2022

Date :10/10/2022

rmi

RS/VR/SAR.(12.10.2022) 3P-6C