



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/05/2022
PRESENT

THE HON'BLE MRS JUSTICE T.V.THAMILSELVI

CRL OP(MD) . No.9194 of 2022

M.Siva Ramakrishnan

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
District Crime Branch,
Thoothuudi.
Crime No.12 of 2022

... Respondent/Complainant

For Petitioner : Mr.KA.RAMAKRISHNAN
Advocate.

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

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

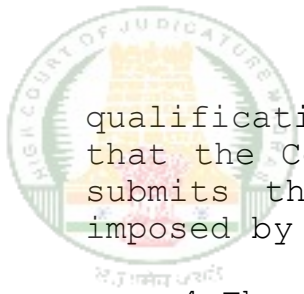
PRAYER :- For Anticipatory Bail in Crime No.12 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 120(B) IPC, in Crime No.12 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant and others had invested the money in Sunmaxs Company, on believing the false promise made by A1 to A3 that the Company will give 10% interest for the amount deposited. After some time, it was declared that the said Company is in loss. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is a discontinued student of 10th standard. However, he has been falsely arrayed as a Chief Executive Officer of the Company. The learned counsel further submits that the petitioner is an agent of the Company and he was not connected with the affairs of the Company. However, the Sunmaxs Company and its Directors are not arrayed as accused. The learned counsel produced the school certificate of the petitioner, to prove his educational



qualification and also produced some statements of accounts showing that the Company was dealing with the shares upto 2021. He further submits that the petitioner is ready to abide by any condition imposed by this Court and ready to co-operate for the investigation.

4.The learned Additional Public Prosecutor submits that the Sunmaxs Company collected a sum of Rs.36 lakhs from the public and cheated them by not repaying the said amount. Hence, the FIR has been lodged. He further submits that A2 and A3 are agents of the Company and A3 was released on bail by this Court in Crl.O.P.(MD) No.8927 of 2022 on 06.05.2022.

5. Considering the facts and circumstances of the case and also considering the fact that Sunmaxs Company was not added as an accused and the co-accused has already been released on bail and also the fact that the petitioner is ready to co-operate for the investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.IV, Tuticorin, Thoothukudi District, 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall deposit a sum of **Rs.3,00,000/- (Rupees three lakh only)** to the credit of Cr.No.12 of 2022 before the learned Judicial Magistrate No.IV, Tuticorin, Thoothukudi District, within a period of two weeks from the date of receipt of a copy of this order, without prejudice to his rights and contentions before the trial Court. If the petitioner fails to deposit the said amount, the anticipatory bail granted to the petitioner will be cancelled.

[c]the petitioner shall report before the respondent police on every Monday and Friday at 10.30 a.m. for a period of three months and as and when required for interrogation.

[d]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[e]the petitioner shall not abscond either during investigation or trial.

[f]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 petitioner 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]**.

sd/-
18/05/2022

WEB COPY

/ 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 JUDICIAL MAGISTRATE NO.IV
TUTICORIN, THOOTHUKUDI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THOOTHUUDI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.9194 of 2022
Date :18/05/2022

SA/PN/SAR.4/23.05.2022/3P/5C