



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

Date : 14/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.15002 of 2021

1. William @ Whilliam Raj,

2. Prasanth@selvam,

... Petitioners/Accused Nos. 1 & 2

Vs

State Rep.by
The Inspector of Police,
Vaiyampatti Police Station,
Trichy District.
(Crime No.323 of 2021).

... Respondent/Complainant

Ganesan

...Petitioner/Intervener
in CRL MP(MD)NO.12205/2022

For Petitioners: M/s.Pitchai Muthu M,Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

For Intervenor : Mr.T.A.Ebenezer,Advocate
in CRL MP(MD)NO.12205/2022

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

PRAYER :-

For Anticipatory Bail in Crime No.323 of 2021 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of
the respondent police for the offence under Section 420 IPC in Crime
No.323 of 2021, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant,
Ganeshan, is that the accused had induced him to joint the chits run
by one "Om Sri Senthil Ganesh Chits Private Limited" and he had paid
Rs.2,00,000/-, whereas, the chit company had closed and the accused
have not been proceeded. Hence, the case.

<https://www.madras.gov.in>



3.The learned counsel for the petitioners would submit that the petitioners are respectively, the Branch Manager and Collection Agent in "Om Sri Senthil Ganesh Chits Private Limited" run by one Thekkamalai and Dheenadhayalan, who are the Directors of the Chits Company. He would further submit that other than that being employees on monthly salary, the petitioners have nothing to do with the alleged offence. He would further submit that the petitioners are not beneficiaries under the transaction and thereby, he prays to grant anticipatory bail.

4.The learned Additional Public Prosecutor would submit that the petitioners are employees of "Om Sri Senthil Ganesh Chits Private Limited" and they have induced the de-facto complainant and collected money on the behalf of the company and thereafter, the company has been closed and several depositors has been cheated. Hence, he opposed to grant anticipatory bail to the petitioners.

5.The learned counsel for the intervenor would vehemently oppose for grant of anticipatory bail stating that the de-facto complainant, believing the petitioners, have invested Rs.2,00,000/-.

6.Heard. Perused the materials available on record.

7.Taking into consideration the facts and the submissions and that the petitioners are only employees of the main accused, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Manapparai, Trichy District, on condition that the petitioners shall execute 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:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of four weeks and thereafter every Saturday at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.



[d] the petitioners 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 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
14/12/2022

/ TRUE COPY /

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

SJI

TO

- 1 THE JUDICIAL MAGISTRATE,
MANAPPARAI, TRICHY DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
VAIYAMPATTI POLICE STATION,
TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s..PITCHAI MUTHU M, Advocate (SR-15022[I] dated 16/12/2022)

ORDER
IN
CRL OP(MD) No.15002 of 2021
Date :14/12/2022

PKP/VR/SAR-4/27.12.2022/3P/6C