



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 26/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.17175 of 2022

WEB COPY

Priya @ Mohanapriya

... Petitioner/3rd Accused

Vs

State Rep.by
The Inspector of Police,
Economic Offence Wing (EOW)
Police Station, Madurai.
(Crime No.3 of 2022)

... Respondent/Complainant

For Petitioner : M/s.D.Venkatachalam, Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

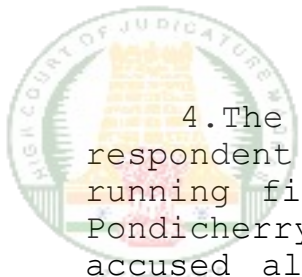
For Bail in Crime No.3 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 25.08.2022 for the offences punishable under Sections 406, 420 and 120B of IPC and Section 5 of the Protection of interest of Depositors (In financial Establishment) Act, 1997, in Crime No.3 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is the Proprietor of the Company in the name and style of Royal Fin Corp. The petitioner and other accused approached the defacto complainant and induced her to deposit money in their company. On the assurance given by them, the defacto complainant and others invested money in their company. Thereafter, the petitioner along with other accused cheated them. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner never participated in the company affairs and her brother Manoharan, who is the third accused in this case alone started the company in the name of the petitioner. She is an innocent person and she did not commit any offence as alleged by the prosecution. He would further submit that the petitioner is in judicial custody from 25.08.2022 and she shall abide any condition imposed by this Court.



4.The learned Additional Public Prosecutor appearing before the respondent police would submit that the petitioner along with others running financial establishment in the name of Royal Fin Corp at Pondicherry and swindled a huge sum from nine depositors. The other accused also arrested and remanded to judicial custody. He would further submit that so far 10 witnesses have been examined in this case and the investigation is still pending.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also ten witnesses have been examined, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Special Judge for TNPID Cases, Madurai.

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

(ii) the petitioner is directed to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.3 of 2022 before the learned Special Judge for TNPID Cases, Madurai. without prejudice to her rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

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

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

(v) the petitioner shall not abscond during trial.

(vi) 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].

(vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

26/09/2022

/ TRUE COPY /

26/09/2022

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, 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.

WEB COPY

- TO
- 1 THE SPECIAL JUDGE FOR TNPID CASES, MADURAI
 - 2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
 - 3 THE INSPECTOR OF POLICE, ECONOMIC OFFENCE WING (EOW),
POLICE STATION, MADURAI.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.D.VENKATACHALAM, Advocate (SR-10528[I] dated
26/09/2022)

ORDER

IN

CRL OP(MD) No.17175 of 2022

Date :26/09/2022

CP

RS/SBN/SAR.2 (26.09.2022) 3P-6C