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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/10/2022

PRESENT

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

CRL OP(MD). No.18383 of 2022

Vedhagiri

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
EOW Dindigul, Dindigul District.
(Crime No.3/2021).

... Respondent/Complainant

For Petitioner : Mr.T.Lenin Kumar ,Advocate

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

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

PRAYER :-

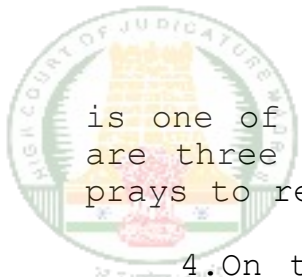
For Anticipatory Bail in Cr No.3/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 420, 120(B), Section 5 of Tamil Nadu Protection of Interest of Depositors (In Financial Establishment) Act, 1997, in Crime No.3 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused persons induced the defacto complainant and others to deposit money in their firm/Company, viz., SVS Micro Finance Company and believing their words, they also deposited money in their firm. But, the accused persons, failed to give the assured amount and cheated a sum of Rs.2,20,000/-. Hence, the complaint.

3. On the side of petitioner, it is stated that the petitioner is innocent and no way connected with the offence. The petitioner is
<https://www.mca.gov.in/jsp/A2>. A false case was foisted against him. The petitioner



is one of the shareholder in the Company and apart from him there are three other shareholders, who are arrayed as A3 to A5. Hence, prays to release the petitioner on anticipatory bail.

4. On the side of prosecution, it is stated that in this case, there are totally five accused. A1 is the Company. A2 is the petitioner, who is the Managing Director and A3 to A5 are Directors of the Company. They cheated 13 depositors, to the tune of Rs.2,22,000/-. The petitioner is the responsible for the cheated amount. A3 and A4 are still in custody. The petitioner is having two previous cases in similar nature. Hence, raised his strong objection to dismiss the petition.

5. Considering the facts and circumstances of the case, nature of money dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner shall pay a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.3 of 2021, before the Special Court for TNPID Act Cases, Madurai, without prejudice to their rights and contentions before the trial Court and produce the receipt before the trial Court.

7. On production of such receipt, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Special Judge, Special Court for TNPID Act Cases, Madurai, on condition that the petitioner shall execute 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 Judge 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 learned Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 am until further orders;

(c) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(d) the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;

(e) on breach of any of the aforesaid conditions, the learned 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



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]; and;

(f) if the accused/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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/11/2022

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

TO

- 1 THE SPECIAL JUDGE,
SPECIAL COURT FOR TNPID ACT CASES,
MADURAI.
- 2 THE INSPECTOR OF POLICE
EOW DINDIGUL,
DINDIGUL DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-12037[I] dated 28/10/2022)

ORDER

IN

CRL OP(MD) No.18383 of 2022

Date :27/10/2022

pnm

PKP/SSS/SAR-4/04.11.2022/3P/5C