



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

Date : 26/10/2022

PRESENT

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

CRL OP(MD). No.18990 of 2022

WEB COPY

1. Palanisamy

2. Essaki Nachiyar

... Petitioners/Accused 1& 2

Vs

The Inspector of Police,
Eow, Madurai, Madurai District.
(Crime No.04/2022)..

... Respondent/Complainant

For Petitioners : M/s.Senthil Murugan C,
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.4/2022 on the file of the Respondent Police.

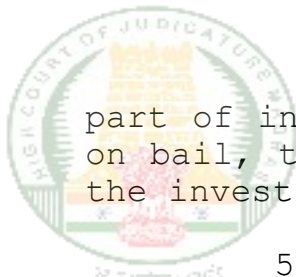
ORDER : The Court made the following order :-

The petitioners/accused, who were arrested on 05.08.2022 for the offences punishable under Sections 406, 420, 120(b) IPC and Section 5 of TNPID Act, in Crime No.4 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the accused persons run Chit Fund in the name and style of Sri Meenakshi Monthly Savings Scheme and swindled a sum of Rs.41,20,700/- from 23 depositors. Hence, the complaint.

3.On the side of the petitioners, it is stated that the petitioners are innocent and not committed any offence as alleged by the prosecution. In this case, the petitioners are in custody from 05.08.2022. Due to money transaction between the parties, a false case was foisted against them. Hence, prays to release the petitioners on bail.

4. On the side of prosecution, it is stated that in this case, the petitioners are arrayed as A2, A3. They swindled Rs.18,76,000/- from the defacto complainant and they totally cheated Rs.41,20,700/- from 23 depositors. In this case, major



part of investigation is completed. If the petitioners are released on bail, they would tamper the material witness and thereby, hamper the investigation and hence, prayed to dismiss the petition.

5. Considering the submissions made by both sides and facts and circumstances, considering the fact that major part of investigation is completed and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners on certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners shall pay a sum of Rs.3,00,000/- (Rupees Three Lakhs only) each to the credit of Crime No.4 of 2022, before the Special Court under T.N.P.I.D.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 receipt/acknowledgment, the petitioners are ordered to be released on bail, on 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 Special Judge, Special Court under T.N.P.I.D.Act 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 petitioners shall appear before the respondent Police daily at 10:30am, until further orders;

(iii) the petitioners shall not tamper with evidence or witness;

iv) the petitioners shall not abscond during trial.

v) 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].

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

sd/-

26/10/2022

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26/10/2022

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

PNM

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TO

1. The Special Judge,
Special Court under T.N.P.I.D.Act Cases, Madurai
2. The Superintendent, Central Jail, Madurai.
3. The Inspector of Police,
EOW, Madurai, Madurai District. (Crime No.04/2022)..
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CRL OP(MD) No.18990 of 2022
Date :26/10/2022

RS/VR(26.10.2022) 3P 5C