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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/11/2022

PRESENT

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

CRL OP(MD) . No.19069 of 2022

M.Selvaraj

... Petitioner/Accused No.8

Vs

State rep.by
The Inspector of Police,
Economic Offence Wing-II,
Nagercoil,
Kanyakumari District.
(Crime No.1/2019).

... Respondent/Complainant

For Petitioner : M/s.Ranjith N, Advocate.

For Respondent : Mr.E. Antony Sahaya Prabahar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.1/2019 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 120(B), 5 of TNPID Act 1997 and Sections 3, 5 and 21 of Banning of Unregulated Deposits Scheme Act, 2019 in Crime.No.1 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that A2 run the finance company in the name and style of Sun Agro Forms India Limited at Nagercoil and that the petitioner herein canvassed the defacto complainant for depositing the amount of Rs.1,44,000/- in the said



Company and thereafter, failed to repay the same. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case and seeks anticipatory bail.

4. The learned Government Advocate (Crl. Side) would submit that totally 10 accused involved in this case and the total amount cheated is Rs. 6,97,72,260/- and out of 820 victims, complaints received from 221 persons. He would further submit that the amount involved in this Crime is Rs. 1,44,000/- and the property worth about Rupees Eight Crores was attached as per the order of this Court. He further contended that A2, A5, A6, A7 and A9 have already been arrested and released on bail and A3, A4 and the petitioner herein are absconding and he strongly opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that the property was attached worth about eight Crores and that the co-accused have already been released on bail, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Principal District and Sessions Judge, Special Court 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 respondent Police or to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

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

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

(d) the petitioner 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 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]**; and;

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

Sd/-
07/11/2022

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/11/2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1. THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
SPECIAL COURT TNPID ACT CASES, MADURAI.
2. THE INSPECTOR OF POLICE,
ECONOMIC OFFENCE WING-II,
NAGERCOIL,
KANYAKUMARI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.RANJITH N Advocate SR.No.12644

ORDER
IN
CRL OP(MD) No.19069 of 2022
Date :07/11/2022

SP/BUC/SAR I/18/11/2022/3P/5C