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

Date : 22/12/2022

PRESENT

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

CRL OP (MD) . No.20733 of 2022

1. Hemalatha
2. Divyadharshini

... Petitioners/Accused
No.3 & 4

Vs

State rep.by
The Inspector of Police,
EOW, Trichy.
(Crime No.1/2022).

... Respondent/Complainant

Jeganathan

... Impleading Petitioner/
Defacto Complainant

For Petitioners : M/s.Sankar M, Advocate.

For Respondent : Mr.K. Sanjai Gandhi,
Government Advocate (Crl.Side)

For Intervenor : Mr. B. Jameel Arasu. Advocate

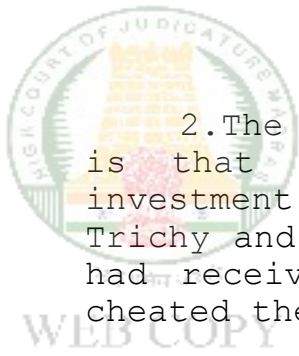
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.1/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 120(B) of IPC and Section 5 of TNPID Act, in Crime No.1 of 2022 on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution as per the De-Facto Complainant is that the petitioners along with other accused conducting investment company in the name and style of Royal Commodity at Trichy and on the promise of giving more interest to the depositors had received a sum of Rs.1,00,47,000/- from various persons and cheated the investors and hence, the case.

3.The learned Counsel for the Petitioners would submit that the petitioners are arrayed as A3 and A4 and the A1 is the Company and the A2 is the husband of the first petitioner. He further contended that the husband of the petitioner was only running the business and hence the petitioners herein being ladies have nothing to do with the offence. He further submitted that husband of the petitioner / A2 died on 04.11.2017 and now, the petitioners being the wife and daughter of A2, the investors have given a complaint against the petitioners. He further submitted that the petitioners to show their bonafides are ready and willing to deposit original title deed worth about Rs.1,05,00,000/-, which were purchased in the name of first petitioner, while her husband was alive and seeks anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) would submit that petitioners are wife and daughter of deceased A2 and the main accused A2 along with other accused promoted the company in the name and style of Royal Commodity and advertised the schemes they will give the double amount to the amount deposited and collected amount from various persons and subsequently, cheated them and hence, he opposes to grant anticipatory bail.

5. The learned counsel appearing for the intervenor would submit that the deceased husband of the 1st petitioner purchased the property in the name of the 1st petitioner worth about Rs.1,05,00,000/- and the petitioners have cheated the defacto complainant after the death of A2 and hence, he opposes to grant anticipatory bail to the petitioner.

6.Heard the learned counsels and perused the materials on record. Taking into consideration the facts and circumstances of the case and that the petitioners are ready and willing to deposit the original title deeds, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.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 Special Court for TNPID Act Cases, Madurai 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 are directed to deposit the original title deeds of document No. 5914 of 2021 before the trial Court to the credit of Crime No.1 of 2022, without prejudice to their rights and contentions before the trial Court;

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks, thereafter every Saturday at 10.30 am 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/-
22/12/2022

(*)MODIFIED AS PER ORDER OF THIS COURT DATED 02.02.2023 IN CRL MP(MD) NO.1095 OF 2023 IN CRL OP(MD) NO.20733 OF 2022

TIME TO SURRENDER IS EXTENDED BY TWO WEEKS.

/ TRUE COPY /

/02/2023

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

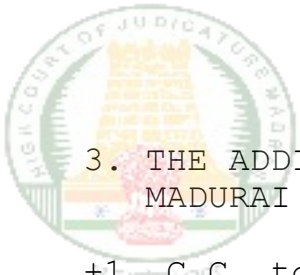
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TO

TO BE SUBSTITUTED TO THE ODRED DATED 22/12/2022 ALREADY DESPATCHED

1. THE SPECIAL JUDGE FOR
TNPID ACT CASES, MADURAI.

2. THE INSPECTOR OF POLICE,
EOW, TRICHY.



3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1...C.C. to M/S.M.SANKAR, Advocate, SR.No. 1767

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ORDER

IN

CRL OP (MD) No.20733 of 2022

Date :22/12/2022

SP/BUC/SAR II/04/01/2023/3P/5C

RK/SAR-4 (10.02.2023) 4P/5C