



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/12/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.20772 of 2022

E.Velmurugan, ... Petitioner/Accused Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Economic Offences Wing (Eow),
Trichy District
(*) (Crime No.15 of 2017)

...Respondent/Complainant

(***) Amended as Per Order of the Court Dated
29.11.2022 in Cr1.MP(MD).14756/2022
in Cr1.OP(MD)No.20772 OF 2022

For Petitioner : M/s. Samidurai.K, Advocate.

For Respondent : Mr.A. Albert James,
Government Advocate (Cr1.Side)

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

PRAYER :-

For Anticipatory Bail in (*)Crime No.15 of 2017 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent Police for the offences punishable under Sections (**)
406, 417, 420, 294(b) and 506(ii) IPC in (*)Crime No.15 of 2017 on
the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant
is that the petitioner and other accused were running a jewellery
business in the name of Artic Gold and Diamonds Jewellers Pvt. Ltd.,
and that they have collected amount from various depositors on the
promise of returning gold jewels and after collecting a sum of
Rs.9,83,450/-, they have cheated the depositors. Hence, the



3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that the petitioner was working as a Manager in the "Artic Gold and Diamonds Jewelleries Pvt. Ltd.," run by the owner of the shop viz., Jithu Menon and the petitioner is only an employee for monthly salary and the said Jithu Menon died and thereby, the shop was closed. He further submitted after the death of the owner of the shop, the defacto complainant has given a complaint under Section 156(3) Cr.P.C., and based on that a case has been registered against the petitioner.

4. The learned Government Advocate (Crl.side) would submit that the main accused had running a business in the name and style of "Artic Gold and Diamonds Jewelleries Pvt. Ltd.," and during the course of business they have collected amount from various customers on the promise of returning the jewels and later, they have cheated the depositors to the tune of Rs.9,83,450/- and hence, he opposes to grant anticipatory bail to the petitioner.

5. Heard and perused the materials available on record. Taking into consideration the facts and circumstances of the case and that the petitioner is only an employee of the shop, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

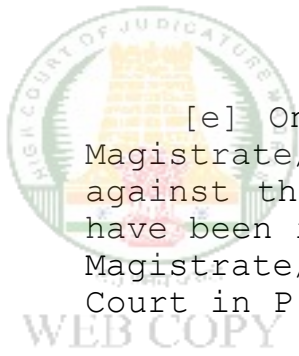
6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Special Court for TNPID Act Cases, Madurai, on condition that the petitioner shall execute 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 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 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 report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
22/12/2022

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/01/2023

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

TRP

TO

- 1 THE SPECIAL JUDGE,
SPECIAL COURT FOR TNPID ACT CASES,
MADURAI.
- 2 THE INSPECTOR OF POLICE
ECONOMIC OFFENCES WING (EOW),
TRICHY DISTRICT
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.SAMIDURAI, Advocate (SR-15526[I] dated 23/12/2022)

ORDER
IN
CRL OP(MD) No.20772 of 2022
Date :22/12/2022

PKP/VR/SAR-1/03.01.2023/3P/5C