



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2023

PRESENT

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

CRL.O.P(MD)Nos.3410 and 6242 of 2022, 863 and 868 of 2023

ANANDHAN

... PETITIONER/ACCUSED NO.2
IN CRL OP(MD) No.3410/2022

GANESH

... PETITIONER/ACCUSED NO.1
IN CRL OP(MD) No.6242/2022

SEENIVASAN

... PETITIONER/ACCUSED NO.4
IN CRL OP(MD) No.863/2023

GAYATHIRI

... PETITIONER/ACCUSED NO.3
IN CRL OP(MD) No.868/2023

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
ECONOMIC OFFENCE WING,
(*) THENI DISTRICT.
(CRIME NO. 2 OF 2021)

... RESPONDENT/COMPLAINANT
Crl.O.P.(MD)Nos.3410 and 6242 of 2022

(*) AMENDED AS PER ORDER OF THIS
COURT DATED 31.01.2023 IN CRL MP(MD)
NOS.1032 & 1036 OF 2023 IN CRL OP
(MD)NOS.3410 OF 2022 & 6242 OF 2022

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
ECONOMIC OFFENCE WING,
DINDIGUL DISTRICT.
(CRIME NO. 2 OF 2021)

AT PRESENT THE SAID COMPLAINANT WAS TRANSFERRED TO
THE STATE REP.BY
THE INSPECTOR OF POLICE,
ECONOMIC OFFENCE WING,
THENI, THENI DISTRICT.
(CRIME NO.2 OF 2021)
ON THE FILE OF THE IOP, EOW,
DINDIGUL.

... RESPONDENT/COMPLAINANT
IN CRL OP(MD) NOS.863 &
868/2023

**IN ALL THE PETITIONS :**

For Petitioner : Mr.M.AJMAL KHAN, Senior Counsel
for M/s.Ajmal Associates

For Respondent : Mr.P.KOTTAI CHAMY
Government Advocate (Crl.side)

For Intervenor : Mr.N.MADHAVA GOVINDHAN, Advocate

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

COMMON PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO. 2 OF 2021 ON THE FILE OF THE RESPONDENT POLICE.

C O M M O N O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 406, 420 and 120(b) of IPC and Section 5 of Tamil Nadu Protection of Interest of Depositors (in Financial Establishment) Act, 1997, in Crime No.2 of 2021 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, Vasagar, is that the accused have been running a business in the name of BG Groups and had solicited deposits from him and several other gullible victims to the tune of Rs.2,31,00,000/- and had cheated them without repaying the deposit and interest therein. Hence, the case.

3.The learned Senior Counsel appearing for the petitioners would submit that a case of financial dealing between the parties has been projected as a case of cheating. He would submit that even as per the prosecution, there are totally 17 victims and the petitioners have already settled five victims and that without prejudice to their rights and defence, the petitioners are ready to file an affidavit of undertaking before this Court by tomorrow, ie., on 15.02.2022, that they will be repaying the balance amount to the persons, who have paid amount to them within a period of four months from the date of receipt of a copy of this order and in the event, if they have not settled the amount, they are ready to abide by any action to be taken by the respondent Police. The learned Senior Counsel would submit that the petitioner (Anandhan) in Crl.O.P(MD) No.3410 of 2022, who is the person, is in-charge for the business and the entire other family members have been implicated in this case. He would also submit that in the event of petitioners getting



arrested, it will spoil the process of settlement. Hence, I pray for anticipatory bail to the petitioners.

4.The learned Government Advocate (crl.side) appearing for the respondent Police would submit that the petitioners have collected deposits from 17 persons to the tune of Rs.2,31,00,000/- and as per the investigation, they have settled five persons to the tune of Rs.1,28,00,000/- and an amount of Rs.1,85,00,000/- remains to be paid to the remaining 12 persons and he would submit that that victims are ready to receive the amount within a period of four months.

5.Heard the learned Counsel and perused the materials available on record.

6.Taking into consideration the submission made by the learned Government Advocate (crl.side) that the alleged victims are ready to receive the money within a period of four months, 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 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 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.

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8. In the event of the petitioners not settling the amount within a period of four months, the victims are entitled to file a petition for cancellation of bail. The affidavit of undertaking to be filed by the petitioners shall form part of this order.

sd/-

14/02/2023

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/02/2023

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

Enclosure:- Undertaking Affidavit

CMR

TO

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

+1 cc to Mr.N.MADHAVAGOVINDAN, Advocate, SR.NO.8239 (F)
Dt.15/02/2023

ORDER

IN

CRL.O.P(MD)Nos.3410 and
6242 of 2022, 863 and 868 of 2023
Date :14/02/2023

SA/SSS/SAR.3/28.02.2023/4P/6C