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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.5521 of 2023

Vadivel ... Petitioner/Petitioner/7th Accused

Vs

1. The Inspector of Police,
   Eow-II,Trichy,
   Crime No.78 of 2021.

2. The Deputy Superintendent of Police,
   District Crime Branch,
   Thanjavur District. ... Respondents/Respondents/Complainants

For Petitioner : M/s.Kannan V,
Advocate.

For Respondents : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

To enlarge the petitioner on bail in Crime No.78 of 2021 on the file of the Respondent police and pass such further or other order and thus render justice.

ORDER : The Court made the following order :-

The petitioner /A7 who was arrested and remanded to judicial custody on 01.03.2023 for the offences under sections 406,420 of IPC r/w.section 5 of the Tamil Nadu Protection of Interest of Depositors (In financial Establishments)Act, 1997 (TNPID Act) @ sections 406,420 of IPC and 5 of TNPID Act r/w.sections 3,5,21(1)(2)(3),23 and 25 of the Banning of Unregulated Deposit Schemes Act, 2019(BUDS Act) in Crime No.78 of 2021 on the file of the respondent police seeks bail.

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2. The case of the prosecution is that one Thamim Ans[illegible]re Rs.15,00,000/- as per the assurance given Ragath Transport owner Kamaludin, who have assured to give monthly interest of Rs.11,000/- for the investment of Rs.5,00,000/- Due to Covid -19 the said company was closed and thereby kamaludin cheated Thamim Ansari and he never worked as a staff in the said company. It is further case that the petitioner is running a bus body coach tinkering shed in S.No.782/1 in rental place. The above said company sent 4 chasis to his shed regarding to construct body and one mini bus for tinkering work, thereby the respondent police came to the shed on several occasions and harassed him and thereafter the petitioner was arrested.

3. Heard both sides and perused the materials available on record including the First Information Report.

4. It is seen that even according to the case of prosecution the petitioner herein is arrayed as A7. He is running a body built coach tinkering shed in C. No.782/1. The first accused is plying bus throughout the State of Tamil Nadu and the role played by this petitioner in this case is that he was engaged to build body for the bus and also for tinkering the bus. The buses which were kept in his shop for tinkering work were seized by the respondent. So far as the petitioner is concerned he did not collect any money from any depositors as alleged as against the other accused persons. Taking into consideration the facts and submissions made by the learned counsels and also the period of incarceration this court is inclined to grant bail to the petitioner , subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to 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 Special Court under Tamil Nadu Protection of Interest of Depositors (In financial Establishment) Act, 1997, Madurai and on further conditions that:

[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.30 A.M. and 5.30P.M., until further orders.

[d] the petitioner shall not commit any offences of similar nature.

[e] the petitioner shall not abscond either during investigation or trial.

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[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Judicial 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].

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

sd/-
28/03/2023

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28/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

1. The Special Court under Tamil Nadu Protection
of Interest of Depositors
(In financial Establishment) Act, 1997,
Madurai .

2. The Superintendent, Central Prison, Madurai.

3. The Inspector of Police,
Eow-II,Trichy,

4. The Deputy Superintendent of Police,
District Crime Branch,
Thanjavur District.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.V.KANNAN, Advocate (SR-4951[I] dated 28/03/2023)

ORDER
IN
CRL OP(MD) No.5521 of 2023
Date : 28/03/2023

NA/CBN/SAR/28.03.2023/3P/7C

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