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

Date : 02/06/2023

PRESENT

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

CRL OP(MD) . No.8606 of 2023

M.Kumar

... Petitioner/3rd Accused

Vs

The State represented by
The Inspector of Police,
EOW II, Trichy District.
Cr.No.2/2023.

... Respondent/Complainant

For Petitioner : M/s. T.Leninkumar,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 2/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 of I.P.C and Section 5 of Tamil Nadu Protection of Interest of Depositors (In Financial Establishment) Act, 1997, in Crime No.2 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was working as a Manager of K.R.N Plots. The further allegation is that the petitioner had induced the de-facto complainant stated that if she deposits money in the company, she can get more benefits. Believing his words, the de-facto complainant deposited a sum of Rs.6,00,000/- in the said company on various dates. Thereafter, the petitioner along with the proprietor K.R.N.Murugan have not paid the promised money and cheated the complainant. Hence, the case.

3.Heard. Perused the materials available on record including the First Information Report.

4.It is seen that the petitioner was working as a Manager and he canvassed the general public to deposit money under various schemes in order to get huge profit. Thereafter, the victims had deposited a sum of Rs.30,00,000/- in the first accused's concern owned by A2. Thereafter, the petitioner was also terminated from his



employment by A2. A1 and A2 cheated the general public and failed to return the amount with interest. Now A2 was arrested and remanded to judicial custody. Insofar as the petitioner is concerned, he also invested some amount with A2.

5. Considering the above facts and circumstances of the cases, 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, 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, daily at 10.30 a.m. and 05.30 p.m., for a period of six weeks and thereafter, as and when required for interrogation.

[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/-

02/06/2023

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/06/2023

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



TO

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

2 THE INSPECTOR OF POLICE
EOW II,
TRICHY DISTRICT.

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

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-8004[I] dated 05/06/2023)

ORDER

IN

CRL OP(MD) No.8606 of 2023

Date :02/06/2023

SS/SSS/06/06/2023/3P/5C