



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

Date : 07/06/2023

PRESENT

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

CRL OP(MD) . No.8759 of 2023

G.Vivek

... Petitioner / Accused No.5

Vs

State rep by  
The Inspector of Police,  
Economic Offence Wing-II,  
Karur District.  
(Crime No.1 of 2023.)

... Respondent / Complainant

For Petitioner : Mr. R.Mathiyalagan, 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 Cr.No.1 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A5, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 120(b), 406 and 420 of IPC r/w Section 5 of Tamil Nadu Protection of Interest of Depositors Act, 1997, in Crime No.1 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused was running financial companies and the defacto complainant deposited the amount to the tune of Rs.1,28,00,000/- in the accused financial companies. It was agreed at the time of deposit that the amount deposited would carry 18% interest per annum and the interest will be paid by the company monthly or yearly. For some months interest paid and thereafter, interest was not paid and when the same was questioned by the defacto complainant to return the money, there was no response. Hence, the case.



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

4. Taking into consideration of the facts and circumstances of the case and that the petitioner, to show his bona fides, is ready and willing to deposit the original title deeds of immovable property worth of Rs.1,00,00,000/- either belonging to himself, friends or relatives to the credit of Crime No.1 of 2023 before the learned Magistrate, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

5. 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 Judge for Tamil Nadu Protection of Interest of Depositors 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 deposit the original title deeds of immovable property worth of Rs.1,00,00,000/- (Rupees One Crore Only) either belonging to himself or his friends or relatives to the credit of Crime No.1 of 2023 before the learned Special Judge for Tamilnadu Protection of Interest of Depositors Act, Madurai, at the time of furnishing sureties.

[c]the petitioner shall report before the respondent Police daily morning at 10.30 am., and evening 05.30 pm., until further orders.

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

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

[f] 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].



CRL OP(MD).



23

[g] If the accused thereafter absconds, a fresh FI registered under Section 229A IPC.

sd/-  
07/06/2023

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/ TRUE COPY /

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

AAV

To

1.The Special Judge for Tamil Nadu Protection of Interest of  
Depositors Act, Madurai.

2.The Inspector of Police,  
Economic Offence Wing-II,  
Karur District.

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

+1 CC to M/s.R.MATHIYALAGAN, Advocate ( SR-8193[I] dated  
07/06/2023 )

ORDER

IN

CRL OP(MD) No.8759 of 2023

Date :07/06/2023

ED/MMS/SAR- (09/06/2023) 3P 5C