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

Date : 05/06/2023

PRESENT

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

CRL OP(MD) . No.9623 of 2023

Arivunethi @ Arivumani ... Petitioner/Accused No.15

Vs

The State represented by
The Inspector of Police,
Economical Offices Wing-II, Madurai.
Crime No.8/2016

... Respondent/Complainant

For Petitioner : M/s.Balan P

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.8 of 2016 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 420, 120(b) IPC and Section 5 of TNPID Act in Crime No.8 of 2016 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner received the deposit amount from the complainant and others, which was deposited in Madurai Rural Development Benefit Fund India Ltd., after maturity of the same was not refunded. Hence, the compliant.

3. The learned counsel appearing for the petitioner would submit that the petitioner is only introducer to the de facto complainant and other depositors and he is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. This is the second petition for anticipatory bail. Hence prays to release the petitioner on anticipatory bail.



4. The learned Additional Public Prosecutor appearing for the respondent would submit that totally 36 accused involved in this case and 339 depositors invested the amount in the said finance company and the amount involved in this offence is Rs.15,66,00,193/-. He would further submit that the petitioner is working as a collecting agent and hence, the custodial interrogation of the petitioner is necessary and he strongly opposed to grant anticipatory bail to the petitioner.

5. It is seen that there are totally 36 accused in this case. The petitioner is arrived as A15. The crime was of the year 2016. Further the alleged company had collected a sum of Rs.15,66,00,193/- from the depositors and failed to repay the amount. Therefore, the case has been registered and charge sheet was filed against them. From the said company, the petitioner and other accused diverted a sum of Rs.18 Crores and cheated the general public. Further, the petitioner was working as an agent and so far he was not arrested. Considering the facts and circumstances of the case and crime of the year was 2016, custodial interrogation of the petitioner is not required in this case. Hence, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **learned Judge, Special Court under 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 blood related 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 Judge 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 Judge 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., for a period of four weeks, thereafter, as and when required for interrogation;

[c] the petitioner shall not tamper with the 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 Judge/ 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 Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;



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

sd/-

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

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TO

- 1 THE JUDGE, SPECIAL COURT
UNDER TNPID ACT CASES, MADURAI.
- 2 THE INSPECTOR OF POLICE
ECONOMICAL OFFICES WING-II, MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.P.BALAN, Advocate (SR-8041[I] dated 05/06/2023)

ORDER

IN

CRL OP(MD) No.9623 of 2023

Date :05/06/2023

SS/MMS/13/06/2023/3P/5C