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CRL OP(MD).

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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.9791 of 2023

Suresh.C,

... Petitioner/8th Accused

Vs

The Inspector of Police,
Economic Offence Wing,
Dindigul District,.
(Crime No.2/2021) at Present
the Said Complaint Was Transferred to
the State Rep by
The Inspector of Police
Economic Offence Wing,
Theni District.

... Respondent/Complainant

For Petitioner : M/s.Karthik.A,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor(Crl.Side)

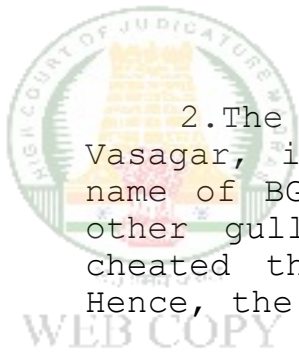
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.2/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A8 , who apprehends 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 complaint, 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. Heard both side and perused the materials available on record including the First Information Report.

4. Taking into consideration the facts and circumstances of the case and also the fact the petitioner was only working as an Office Assistant and also the fact that some of the co-accused were granted anticipatory bail by this Court, 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 Court for 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 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 everyday at 10.30 a.m., for a period of two weeks and thereafter every Saturday at 10.30 am until further orders.

[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.

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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 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 M/s.A.KARTHIK, Advocate (SR-8258[I] dated 08/06/2023)

ORDER
IN
CRL OP(MD) No.9791 of 2023
Date :07/06/2023

RS/VR/SAR- /09.06.2023/ **3P/6C**