



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/06/2023

PRESENT

WEB COPY

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

CRL OP(MD). Nos.11315 and 11317 of 2023

1.Vedachalam, ... Petitioner/Accused(Rank not known)
in CrI.O.P.(MD)No.11315 of 2023

2.S.Sasikala ... Petitioner/Accused(Rank not known)
in CrI.O.P.(MD)No.11317 of 2023

Vs

1. The Inspector of Police,
EOW-II, Thanjavur District.

2. The Inspector of Police,
Kumbakonam West Police Station,
Thanjavur District.
(Crime No.211 of 2019).

... Respondents/
Complainants in both petitions

In both petitions:-

For Petitioner : M/s.Ebenezer.T.A.,
Advocate.

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

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.211 of 2019 on the file of
the respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections
406, 420 and 120(B) of I.P.C. and Section 5 of TNPID Act, in Crime
No.211 of 2019, on the file of the respondent police, seek
anticipatory bail.



2.The allegation against the petitioners is that the petitioners and other accused have cheated many investors including the de-facto complainant and their deposit amounts were not refunded.

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

4.It is seen that there are totally 3 accused involved in this case. The first accused is a company and A2 and A3 are the Managing Director and Director of the company. They have collected a sum of Rs.46,91,486/- from 99 victims. Now A2 and A3 were arrested and remanded to judicial custody. Insofar as the petitioner in CrI.O.P. (MD)No.11315 of 2023 is concerned, he is a father of A3 and insofar as the petitioner in CrI.O.P.(MD)No.11317 of 2023 is concerned, she is a mother of A2. Though they were directors of the company, thereafter resigned from the company and they are no way connected with the said company. That apart, even till now the petitioners are not arrayed as accused as per the investigation. However, they apprehends arrest at the hands of the respondent police.

5.Considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Special Court under the Tamil Nadu Protection of Interest of Depositors (In Financial Establishments) Act 1997, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 petitioners 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 first petitioner shall report before the respondent Police, daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation; and the second petitioner shall report before the respondent police as and when required for interrogation;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.



[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
23/06/2023

/ TRUE COPY /

/07/2023

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

TO

- 1 THE SPECIAL JUDGE UNDER THE TAMIL NADU
PROTECTION OF INTEREST OF DEPOSITORS
(IN FINANCIAL ESTABLISHMENTS) ACT 1997, MADURAI.
 - 3 THE INSPECTOR OF POLICE
EOW-II, THANJAVUR DISTRICT
 - 4 THE INSPECTOR OF POLICE
KUMBAKONAM WEST POLICE STATION, THANJAVUR
DISTRICT
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.EBENEZER.T.A. Advocate SR.No.9707

ORDER
IN
CRL OP(MD) No.11315 of 2023
Date :23/06/2023

MGJ(04.07.2023) 3P 7C