



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

Date : 21/06/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN
CRL OP(MD). No.11096 of 2023

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S.Anandhu ... Petitioner/Accused No.2
Vs

The State Rep.by
The Inspector of Police,
Eow Police Station,
Theni District.
Crime No.1/2023.

... Respondent/Complainant

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

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

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

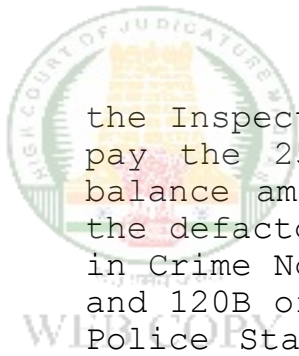
PRAYER :-

For Anticipatory Bail in Crime No.1 of 2023 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 406,
417, 420 and 120B of I.P.C. and Section 5 of Tamil Nadu Protection
of Interest of Depositors (In Financial Establishment) 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 de-facto complainant
one Sathiamoorthy is working as a labour in the hotel situated in
his local area. The first accused was running the Universal Trading
Company, SVB Complex, Theni. The defacto complainant deposited the
amount to the tune of Rs.11,00,000/- in the first accused company
and received profits amount from the company only for two months and
thereafter, no amount paid to the de-facto complainant as promised
earlier. Hence, the de-facto complainant had approached the company
two years before prior to this complaint that the company was door
locked. Then, he had approached the UTC head office at Coimbatore,
but they have refused to refund the amount to the defacto
complainant and others. Then the defacto complainant gave a
complaint before the Dindigul EOW Police Station on 27.08.2021 and
as per the complaint, the Managing Director one Muthusamy/A1 was
apprehended in person on summon and admitting to execute a letter to



the Inspector of Police, EOW, Dindigul as stated that he paid 25% of amount on October 2021 and remaining 75% of the balance amount will be paid on November 2021, but not paid. Hence, the defacto complainant gave a complaint and the same was registered in Crime No.18 of 2022 for the offences under Sections 406, 417, 420 and 120B of IPC. Then the complainant was transferred to the Theni DCB Police Station and thereafter, the complaint was forwarded to the Theni EOW PS and the FIR has been registered in Crime No.1 of 2023 for the above said offences.

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

4.It is seen that there are totally two accused in this case and the petitioner is arrayed as A2. According to the petitioner, he was working as a Manager in one of the Branch of the first accused, namely, Universal Trading Company, SVB Complex, Theni and he resigned his post from the year 2019 itself. Thereafter, the first accused collected so many amounts from the general public and failed to return the same. Therefore, the petitioner is no way connected with the offence as alleged by the prosecution. The first accused was already arrested and released on statutory bail.

5.On perusal of the FIR and other documents, it revealed that the petitioner was working as a Manager and no amount has been collected by the petitioner separately on his own.

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

7.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 of TANPID (IN FES) 1997 Act Court, 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., for a period of four weeks and thereafter, as and when required for interrogation;



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

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

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[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/-

21/06/2023

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/ 07 /2023

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

SJI

TO

1. The Special Court of TANPID (IN FES) 1997 Act Court,
Madurai.

2. Do-Through The Chief Judicial Magistrate,
Theni District.

3. The Inspector of Police,
EOW Police Station,
Theni District.

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

+2 CC to M/s.T.SATHEESH, Advocate (SR-9231[I] dated 21/06/2023)

ORDER

IN

CRL OP(MD) No.11096 of 2023

Date :21/06/2023

RD (03/07/2023) 3P 7C