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CRL OP(MD).A



23

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

Date : 23/06/2023

PRESENT

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

CRL OP(MD). No.11314 of 2023

1. Jamem @ Thameemul Ansari
2. Jhon Bosco @ Jhon Baskar ... Petitioners/Accused Nos.10 & 13

Vs

The State Rep.by
The Inspector of Police,
Economic Offices Wing-II,
Madurai.

Crime No.8 of 2016

... Respondent/Complainant

For Petitioner : Mr.Ranjith.N,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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 petitioners/A10 and A13, 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 Tamil Nadu Protection of Interest of Depositors (In Financial Establishment Act, 1997) in Crime No.8 of 2016 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners 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 complaint.

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

<https://www.mhc.tn.gov.in/judis>



4. It is seen that there are totally 36 accused in this case and the petitioners are arrayed as A10 and A13. The Crime is 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 petitioners and other accused diverted a sum of Rs.18 crores and cheated the general public. Further, A15 was already granted anticipatory bail by this Court in Crl.O.P.(MD)No.9623 of 2023, dated 05.06.2023. Considering the facts and circumstances of the case and crime is of the years 2016, the custodial interrogation of the petitioner is not required in this case. Hence, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

5. Accordingly, the Criminal Original Petition is allowed and 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 Judge, Special Court for TANPID, 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 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 petitioners 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 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

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/07/2023

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

TO

- 1 THE JUDGE,
SPECIAL COURT FOR TANPID, MADURAI.
- 2 THE INSPECTOR OF POLICE
ECONOMIC OFFICES WING MADURAI
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.RANJITH, Advocate (SR-9650[I] dated 27/06/2023)

ORDER
IN
CRL OP(MD) No.11314 of 2023
Date :23/06/2023

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