



CRL OP(MD)No.17108 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17.11.2023

PRESENT

The Hon'ble MR JUSTICE V.SIVAGNANAM

CRL OP(MD)No.17108 of 2023

Abbas

... Petitioner/ A7

Vs

The Inspector of Police,
Economic Offence Wing,
Madurai District.
(Crime No.5 of 2023)

... Respondent/Complainant

B.R.Kannan

... Intervener Petitioner/Defacto Complainant
In CrI.MP(MD).14477/2023 in CrI.OP(MD).17108/2023

For Petitioner : Mr.M.AJMALKHAN,
Senior Counsel
for M/s.AJMAL ASSOCIATES

For Respondent : Mr.R.SURESH KUMAR,
Government Advocate(CrI.side)

For Intervenor : Mr.R.SENTHILKUMAR, Advocate

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

PRAYER :- For Anticipatory Bail in Crime No.5 of 2023 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 r/w 34 IPC and Section 5 of TNPID Act, 1997 in Crime No.5 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the Regional Head of M.M.S.Health Care Technologies Pvt.Ltd., and the said company has its branch at Madurai. The said company involved in the medical equipment manufacturing and selling the same in the international markets and thereby, accruing huge profit from the said business. The said company has its sister concern namely Maestros Mediline Systems Limited Company. The accused persons induced the defacto complainant and others to deposit money in the said company and they were also made to believe that they would give depositors a share in the profit gained from their business. Hence, the defacto complainant and others invested huge amount in the said company. Thereafter, they failed to give share as promised by them. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner herein only collected amount from the general public and the amount has been deposited in the name of



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the company and he is only employee of the company. Hence, he seeks anticipatory bail.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that the investigation in this case is pending.

5.On perusal of records, it is noticed that the company called M.M.S.Health Care Technologies Pvt.Ltd., collected huge amount from the general public to invest the same in manufacturing medical equipment and they promised to give huge share to the depositors. After receiving huge amount, they failed to give share as they promised. It is also noticed that the petitioner herein is only an employee of the said company and he collected amount from the depositors and deposited the same in the name of the company and no amount was credited to him.

6.Taking into consideration the principles stated by the Honourable Supreme Court in Gurubaksh Singh Sibbia Etc., vs. State of Punjab reported in 1980 AIR 1632 and Lal Kamendra Pratap Singh vs. State of Uttar Pradesh and others reported in (2009)4 SCC 437 and Joginder Kumar vs. State of U.P. and others reported in (1994) 4 SCC 260 and taking into consideration the origin of crime, it is seen that the offence alleged as against the petitioner is not a case of heinous crime. Further the petitioner is having permanent residence at Madurai District. Hence the principles stated in Hussainara Khatoon & Ors vs. Home Secretary, State Of Bihar reported in AIR 1979



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SC-1360 is taken into consideration. In that case, the Hon'ble Supreme Court has cautioned that pre-trial detention is not to be encouraged nor is to be encourageable pre-trial release on sureties; that if the Court is satisfied after taking into consideration that the accused has his roots in the community and is not likely to abscond, he can safely be released on his personal bond.

7. In view of the above, this Court is inclined to grant anticipatory bail to the petitioner. 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 is made ready, before the Special Court for TNPID Cases, Madurai that the petitioner shall execute a own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 shall affix his photograph 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 his identity.

[b] the petitioner shall report before the trial Court on summons.



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[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.

sd/-
17/11/2023

/ TRUE COPY /

/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS
TO
1 THE JUDGE,
SPECIAL COURT FOR TNPID CASES, MADURAI.

2 THE INSPECTOR OF POLICE,
ECONOMIC OFFENCES WING,
MADURAI DISTRICT.



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3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 cc to M/S.AJMAL ASSOCIATES, Advocate, SR.No.51993 (F) DT.20/11/2023

ORDER
IN

CRL OP(MD) No.17108 of 2023

Date :17/11/2023

SA/JGB/SAR. /26.12.2023/6P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.