



CRL OP(MD). No.18187 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.18187 of 2023

1. S.Prabakaran,
2. P.Srividya @ Vidya,
3. R.Ragunathan,

... Petitioners/ Accused 1 to 3

Vs

State Rep.by
The Inspector of Police,
Thuraiyur Police Station,
Trichy District..
(Crime No. 374 of 2023)

... Respondent

For Petitioners : M/s.K.V.Dhanapalan, Advocate
for M/s.Fenn Walter Associates T,

For Respondent : Mr.RMS.Sethuraman
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.374/2023 on the file of the Respondent Police.

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



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ORDER : The Court made the following order :-

The petitioners/ A3 and A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 506(i) and 420 of IPC in Crime No.374 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner and his family members had deposited a sum of Rs.18 lakhs in the said scheme and the defacto complainant also as a member of the society joined in the daily deposit schemes and paid the amount to the Society for which receipts were issued to the defacto complainant and other depositors. Unfortunately the said Society has cheated all its members and looted a sum of Rs.60 crors throughout TamilNadu from the depositors, hence the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are running a DVC associates and they made agreement with Amudha Surabhi Co-operative Thrift Society for some service provided to them and further submitted that the petitioners have not collected any deposit from any members hence he seeks anticipatory to the petitioners.

4.When the matter is taken up for hearing earlier, the learned Additional Public Prosecutor appearing for the respondent was asked to furnish the particulars regarding amount deposited on behalf of Amudha Surabhi Co-operative Thrift



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Society. Today the learned Additional Public Prosecutor conceded that though there is a clause mentioned in the agreement made by the petitioners that Amudha Surabhi Co-operative Thrift Society had collected deposit from members there is no materials available to show that the petitioners have collected amount from the depositors.

5. 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 Kamlendra 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 origine of crime, it is seen that the offence alleged as against the petitioners is not a case of henious crime. Further the petitioners are having permanent residents at Trichy District. Hence the principles stated in Hussainara Khatoon & Ors vs. Home Secretary, State Of Bihar reported in AIR 1979 SC 1360 is taken into consideration. In that case, the Hon'ble Supreme Court has cautioned that pre-trial detention is not 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.

6. In view of the above, this Court is inclined to grant anticipatory bail to the



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petitioners. 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 Judicial Magistrate, Thuraiyur on condition that the petitioners shall execute own bonds 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 report before the trial Court as and when required for the purpose of interrogation.

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

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

[d] 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].



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[e] If the accused thereafter absconds, a fresh FIR can be registered under

Section 229A IPC.

sd/-
13/10/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV
TO

- 1 THE JUDICIAL MAGISTRATE, THURAIYUR.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
THURAIYUR POLICE STATION, TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.18187 of 2023
Date :13/10/2023

PKP/DD/SAR- /17.10.2023/ 5P/ 6C
Madurai Bench of Madras High Court is issuing certified
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