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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/04/2023

PRESENT

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

CRL OP(MD) . No.23181 of 2022

K.A.Durairaj ... Petitioner/Accused rank not known

Vs

The State represented by
The Inspector of Police,
Economic Offence Wing-Ii,
Kajamalai,
Trichy District.
Crime No.2 of 2022..

... Respondent/Complainant

For Petitioner : M/s.G.Prabhu Rajadurai
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.2 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused who apprehends arrest at the hands of the respondent police for the offences punishable under sections 406,420 of IPC and section 5 of TNPID Act in Crime No. 2 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant who is the member of a scheme conducted by the petitioner herein in the name and style of Balaji Nagar at Kannanur Village and that as per the said scheme a sum of Rs.600/- to be paid as monthly installment for a period of 60 months and at the end of 60th month a plot would be allotted and on payment of entire dues the sale deed is being made ready by the beneficiary and the sale deed will be executed in favour of them. Since the defacto complainant completed the entire payment the petitioner did not come forward to execute the sle deed, hence the case came to be registered.



3. Heard both side and perused the materials available on record including the First Information Report.

4. According to the petitioner he made application in the year 2017 for DTCP approval, however due to covid-19 pandemic situation the petitioner was unable to register the sale deed to the allottees and now approval has been given and he is ready and willing to register the sale deed in favour of the respective allottees.

5. The learned Additional Public Prosecutor would submit that the petitioner has floated two schemes and in the first scheme he has to registered sale deed in respect of 582 plots out of which he has registered 352 plots and balance 230 plots has to be allotted and as per the second scheme he has to register sale deed in respect of 426 plots out of which he has registered 270 plots and balance 141 plots has to be allotted.

6. In reply the learned counsel for the petitioner would submit that the petitioner has now received DTCP approval and he is ready and willing to register the sale deed in favour of the respective allottees.

7. Taking into consideration the facts and circumstances of the case and also the submission made by the learned counsel for the petitioner, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

8. 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 Special Court of the TamilNadu Protection of Depositors (In financial Establishments) Act, 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 am., for a period of four weeks and thereafter as and when required for interrogation.

[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/-

17/04/2023

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/04/2023

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

AAV

TO

- 1 THE JUDGE,
SPECIAL COURT OF THE TAMILNADU PROTECTION
OF DEPOSITORS (IN FINANCIAL ESTABLISHMENTS) ACT,
MADURAI.
- 2 THE INSPECTOR OF POLICE
ECONOMIC OFFENCE WING-II, KAJAMALAI,
TRICHY DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.J.ANANDKUMAR, Advocate (SR-5948[I] dated 17/04/2023)

ORDER

IN

CRL OP(MD) No.23181 of 2022

Date :17/04/2023

SS/CG/SAR I/21/04/2023/3P/5C