



Crl.O.P.Nos.10287 and 10289 of 2024

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C.V.KARTHIKEYAN,J.

The petitioners/A6 and A7 have filed Crl.O.P.No.10289 of 2024 and the petitioner/A10 has filed Crl.O.P.No.10287 of 2024, both in Crime No.5 of 2021 registered by the respondent police for the offences punishable under Sections 406, 420 and 120 B of IPC and Section 5 of TNPID Act. They seek anticipatory bail.

2. It is stated that the respondent had filed their final report after completing investigation. This has been taken cognizance as C.C.No.2 of 2024 by the learned Special Court under TNPID Act. It is also stated that in the final report, the petitioners have been categorized as absconding accused. Subsequently, the Court had also issued Non-bailable Warrant, which is still pending.

3. The earlier application seeking anticipatory bail was dismissed on 08.03.2024 in Crl.O.P.Nos.5744 and 5746 of 2024. The learned counsel for the petitioner stated that a learned Single Judge of this Court,



with respect to A3, had granted anticipatory bail under very similar circumstances with the following conditions:-

“[a] the petitioner shall surrender before the trial Court within a period of two weeks from the date of receipt of a copy of this order and to file an application seeking to recall the warrant and the learned Trial Judge, taking into consideration the merits of the case, shall pass orders on the petition on the same day of his surrender;

[b] the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) to the credit of Cr.No.5 of 2021 before the Trial Court at the time of her surrender;

[c] On such deposit being made, the learned trial Judge shall obtain an affidavit of undertaking from the de-facto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.2,00,000/- deposited by the petitioner to the credit of Crime No.5 of 2021 will be returned to the petitioner and after obtaining such affidavit of



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undertaking from the de facto complainant, the trial Court shall disburse the said amount to the de facto complainant within a period of two weeks thereafter; ”

4. It is also informed that the respondent has attached the property of A7 to a total value of Rs.1,05,86,108.40/-. It is stated by the learned counsel that if the petitioners were directed to surrender before the Trial Court, they would be remanded to custody.

5. The learned Trial Judge may keep in mind the learned Single Judge's order in Crl.O.P.No.8382 of 2024 dated 05.04.2024 with respect to A3 extracted supra, and also consider the fact that the respondent had attached the property of A7 to a total value of Rs.1,05,86,108.40/- and then take a judicious decision on the surrender of the petitioners and pass orders on the same day.

6. The learned Trial Judge may also examine whether after filing charge sheet, summons had been issued or whether Non-bailable Warrant had been issued directly. It must be kept in mind that the first step is to issue summons and if the accused did not surrender, only then should Non-bailable Warrant be issued.



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Gsa

7. Observing as above, these petitions stand disposed.

25.04.2024

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