



CRL OP NO. 31233 of 2024
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 31233 of 2024

Nagarajan Thirupathi
S/O. THIRUPATHI 3A/22, N. No. 77/3a,
Arulananda Nagar, 3rd Street, Thanjavur, Tamil
Nadu 6130073A/22, N. No. 77/3a, Arulananda
Nagar, 3rd Street, Thanjavur, Tamil Nadu 613007
and 5 Others

Petitioner(s)

Vs

The State Rep By
Economic Offence Wing, Namakkal Crime No.
10/20133A/22, N. No. 77/3a, Arulananda Nagar,
3rd Street, Thanjavur, Tamil Nadu 613007

Respondent(s)

Criminal Original Petition filed u/s. 482 of BNSS Act, 2023 praying to enlarge the petitioners on anticipatory bail in the event of their arrest by the respondent police in Cr.No.10 of 2013 on the file of the respondent police.

For Petitioner(s): N. Chinnaraj

For Respondent(s): Mr.S.Santhosh, Govt. Advocate, Crl.Side



ORDER

WEB COPY Apprehending arrest in connection with Crime No. 10 of 2013 registered for the offences punishable under Sections 406 and 420 of IPC and Sec.5 of TNPID Act, the present petition has been filed seeking anticipatory bail.

2. The case of the prosecution is that the petitioners running a partnership firm in the name and style of Sri Velmurugan Real Estate. The petitioners along with others collected money from the public under EMI for the purpose of allotting, selling and registering the lands to them. Thereafter, the petitioners had failed to fulfill their promise and had cheated the de-facto complainant and others. Hence the case.

3. Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. He further submits that the petitioners had already granted anticipatory bail to the petitioners in CrI.O.P.No.28782 of 2023 dated 07.02.224. Later, the petitioners have not executed sureties and thereby



WEB COPY

earlier order got lapsed. He would further submits that final report has also been filed before the TNPID Court. He would further submits that the petitioners are ready to abide by any stringent condition that may be imposed by this court.

4. The case of the prosecution, as put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that though the petitioners had already granted anticipatory bail and they did not execute the sureties and therefore, the same was dismissed. He further submits that now investigation has been completed and the petitioners have been arrayed as A9 to A13 and now, final report has also been filed before the TNPID Court.

5. Having heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions and accordingly, they are ordered to be released on bail in the event of arrest or on their



WEB COPY

appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Judge, Special Court for TNPID Act, Coimbatore, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)**, with one surety 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 said Magistrate, on further condition that:

[a] if the petitioners fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioners and the sureties shall affix his 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;

[c] the petitioners shall appear before the TNPID Court at 10.30am for a period of two weeks and thereafter, fixed by the TNPID Court.

[d] the petitioner shall not tamper with evidence or



witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

19.12.2024

MSM

To

1. The State Rep By
Economic Offence Wing,
Namakkal, Crime No. 10/20133A/22, N. No. 77/3a,
Arulananda Nagar, 3rd Street, Thanjavur, Tamil Nadu
613007

2. The Public Prosecutor, High Court, Madras.



WEB COPY



A.D.JAGADISH CHANDIRA, J.

MSM

Crl.O.P.No.31233 of 2024

19.12.2024