



CRL OP(MD) No.263 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Ninth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.263 of 2024

SUDHA

... Petitioner / Accused Rank not known

Vs

1 THE INSPECTOR OF POLICE
EOW II, THANJAVUR,
THANJAVUR DISTRICT.

2 THE INSPECTOR OF POLICE
KUMBAKONAM WEST POLICE STATION,
THANJAVUR DISTRICT
(CRIME NO.211 of 2019)

... Respondents / Complainants

For Petitioner : M/s.M.Suri, Advocate

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl. Side)

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

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.211 OF 2019 ON THE FILE
OF THE RESPONDENT POLICE.



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ORDER: The Court Made the following order :-

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The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 420, 120(b)IPC and Section 5 TNPID Act in Crime No.211 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that A2 and A3 were running a benefit fund in the name and style of Sangamam Benefit Fund at Kumbakonam and other places. The defacto complainant deposited a sum of Rs.55,000/- and they have also collected money from various general public to the tune of Rs.1,08,08,760/- and thereafter, the company was closed. Hence, the present case came to be registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is only an employee of the company and she left the company in the year 2017 itself. However, on instructions, he would further submit that the petitioner, without prejudice to her rights, is ready to deposit a sum of Rs.6,00,000/- to the credit of crime number. (*)Deleted Hence, he prayed to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that the accused persons misappropriated to the tune of Rs.1,08,08,760/-, which was collected from innocent general public, including the



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defacto complainant herein. He would also submit that the petitioner herein is arrayed as A12 in this case and during her period, she has collected a sum of Rs.21 Lakhs from 7 depositors and thereafter, in the year 2017, she left from the company. He would further submit that 10 properties were identified and proposal was sent for attachment. Therefore, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is ready to deposit a sum of Rs.6,00,000/- to the credit of crime number, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Special Court under TANPID Court, 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 and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall



stand automatically cancelled;

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(b)the petitioner is directed to deposit a sum of Rs.6,00,000/- (Rupees Six Lakhs only) to the credit of Crime No.211 of 2019 before the Special Court under TANPID Court, Madurai and on such deposit, the learned Magistrate shall disburse the same to the defacto complainant and the other victims, from whom the petitioner herein collected the amount, after obtaining a proper affidavit from them. In the event of petitioner succeeding in the case, the amount will be refunded to her.

(c)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d)the petitioner shall report before the respondent police as and when required;

(e)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f)the petitioner shall not abscond either during investigation or trial;

(g)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



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in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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(h)if the accused thereafter absconds, a fresh FIR can be registered under

Section 229-A IPC.

sd/-
09/01/2024

(*)Deleted as per order of this Hon'ble Court in
CRL OP(MD).263/2024 Dated 19.01.2024

Time is extended for further two weeks for
executing sureties, from the date of receipt of a
copy of the amended order.

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/01/2024

Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

To

TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON
12/01/2024

1.The Judge,
Special Court under TANPID Court, Madurai.

2.The Inspector of Police,
EOW-II, Thanjavur,
Thanjavur District.



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3.The Inspector of Police,
Kumbakonam West Police Station,
Thanjavur District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.SURI, Advocate (SR-396[I] dated 09/01/2024)

ORDER
IN
CRL OP(MD) No.263 of 2024
Date :09/01/2024

ED/ DD /SAR- (12/01/2024) 6P / 6C
RS/ JGB /SAR- (24/01/2024) 6P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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