



CRL OP(MD) No.2034 of 2024

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

Thursday, the Fifteenth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2034 of 2024

INDUMATHI

... Petitioner / Accused No.16

Vs

THE INSPECTOR OF POLICE
EOW, MADURAI,
MADURAI REGION.
(IN CRIME NO.7 OF 2022)

... Respondent / Complainant

For Petitioner : M/s.A.Balaji, Advocate

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.7 OF 2022 ON THE FILE OF
THE RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police
for the alleged offence punishable under Sections 406, 468, 471, 420, 120(b)IPC and
Section 5 of the Tamil Nadu Protection of Interest of Depositors Act, 1997 in Crime



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No.7 of 2022, seeks anticipatory bail.

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2.The case of the prosecution is that A1 namely, Raja started companies, namely, New Rise Alayam Nithi Limited, New Rise Alayam Furniture & Metal Mart, New Rise Alayam Jewellers, Rew Rise Alayam Textiles, Dhinam Udhayam Daily Paper and S.From To Couriers Cargo and Parcel Services. They induced the general public and collected huge deposits. Thereafter, they failed to repay neither the profits nor the principal amount. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. He would further submit that the petitioner herein is arrayed as A16, who is the wife of A15. She is one of the victim as she also invested Rs.70,00,000/- in the said financial establishment. However, on instructions, he would further submit that the petitioner, without prejudice to her rights, is ready to deposit a sum of Rs.10,00,000/- to the credit of Cr.No.7 of 2022 before the concerned Court. The trial Court may disburse the said amount to the defacto complainant, after obtaining appropriate affidavit from the defacto complainant that if the petitioner succeeds in the trial, liberty may be given to the petitioner for refund of the said amount. Hence, he prayed to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent



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Police would submit that totally 56 accused involved in this case and the total cheated amount is Rs.1,69,54,00,000/- (Rupees One Sixty Nine Crores and Fifty Four Lakhs only) from 2810 victims and thereafter, the accused persons cheated the depositors. Further, investigation is pending. Therefore, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner.

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 TNPID Act 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 is 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;

(b) as per the undertaking given by the petitioner, the petitioner shall deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the credit of Cr.No.7 of 2022



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before the Special Court for TNPID Act Cases, Madurai, without prejudice to her rights, within a period two weeks from the date of receipt of a copy of this order. On such deposit, the Special Court TNPID Act Court, Madurai, shall accept the sureties furnished by the petitioner. The trial Court may disburse the said amount to the defacto complainant, after obtaining appropriate affidavit from the defacto complainant that if the petitioner succeeds in the trial, the petitioner is entitled for refund of the said amount;

(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/-
15/02/2024

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/02/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

To

1.The Judge,
Special Court TNPID Act Court, Madurai.

2.The Inspector of Police,
EOW, Madurai,
Madurai Region.

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

+1 CC to M/s.A.BALAJI, Advocate (SR-1927[I] dated 15/02/2024)

ORDER
IN
CRL OP(MD) No.2034 of 2024
Date :15/02/2024

ED/ VR /SAR- (29/02/2024) 5P / 5C



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