



CRL OP(MD)No.7744 of 2024

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

Date : 24.05.2024

PRESENT

THE HON'BLE MRS JUSTICE S.SRIMATHY

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R.Krishnamoorthy

... Petitioner / Accused

Vs

State Rep. by
The Sub Inspector of Police,
District Crime Branch,
Theni District.
(Crime No.13 of 2023.)

... Respondent/Complainant

For Petitioner : Mr.S.P.Srinivasan, Advocate

For Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl.side)

PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C.

PRAYER :-

For Anticipatory Bail in Crime No.13 of 2023 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 offences punishable under Sections 420 and 406 of IPC and Section 5 of Tamil



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Nadu Protection of interest of Depositors Act, 1997, in Crime No.13 of 2023 on the
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file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is running a chit fund business in the name of Jeyam Chit Fund. On 31.01.2019, the defacto complainant has believed the words of the accused and joined the small savings scheme and deposited a sum of Rs.1,00,000/-. Since, the defacto complainant was unable to continue in the small saving scheme, he went to the petitioner's office asking him to return his deposited amount and he found that the petitioner has locked his office and absconded with the intention to cheat the defacto complainant. When the defacto complainant enquired with petitioner's neighbour, he came to know that the petitioner has cheated 22 persons. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner has cheated the victims to the tune of Rs.17,00,000/-, hence he prayed for dismissal of the anticipatory bail application.

5. The learned counsel appearing for the petitioner would submit that the petitioner is ready and willing to deposit a sum of Rs.3,00,000/- (Rupees Three Lakh



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Only).

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6.Taking into consideration the facts and circumstances of the case and also recording the submission of the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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 of receipt of a copy of this order, before the learned Special Court under TNPID 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 learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[C] the petitioner shall deposit a sum of Rs.3,00,000/- (Rupees Three Lakh only) in two installments to the credit of Cr.No.13 of 2023, on the file of the learned Special Court under TNPID Act, Madurai, without prejudice to his contentions and rights before the trial Court. The petitioner shall pay the first installment of



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Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) within a period of four weeks and shall pay the second installment of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) on or before 03.09.2024. Failing which, the respondent Police is at liberty to file a petition before this Court for cancellation of anticipatory bail.

[d]the petitioner shall not tamper with the 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 is 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 229-A IPC.

sd/-
24/05/2024

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/05/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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To

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

2.The Sub Inspector of Police,
District Crime Branch,
Theni District.

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

+3 CC to M/s.S.P.SRINIVASAN, Advocate (SR-5776[I] dated 24/05/2024)

ORDER
IN
CRL OP(MD) No.7744 of 2024
Date :24/05/2024

ED/JGB /SAR- (29/05/2024) 5P / 7C

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