



CRL OP(MD). No.8085 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29.11.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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1.Joseph Jeyaraj

2.Packia Santhi @ Sagaya Backiya Santhi

3.M.I.Jeyabalan

4.E.L.Santhana Peter

... Petitioners/ Accused 4 to 7

Vs

The State of Tamil Nadu
Represented by the Inspector of Police,
District Crime Branch,
Ramanathapuram District.
(Crime No.7 of 2024)

... Respondent/Complainant

For Petitioners: Mr.M.Jegadeesh Pandian, Advocate

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Criminal Side)

For Intervenor : Mr.S.R.Raja Gopal, Senior Advocate
for Mr.S.Namasivayam, Advocate (Both)



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WEB COPY PETITION FOR ANTICIPATORY BAIL UNDER SECTION 482 OF BNSS

PRAYER :-

For Anticipatory Bail in Crime No.7/2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 423, 406, 420, 506(i) and 120(B) of IPC, in Crime No.7 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant parted with the sum of Rs.3.16 Crores on the promise made by A1 to sell certain properties measuring an extent of 64 acres. When this promise was made, the accused persons were aware of the fact that the property in question was already under attachment before SEBI. After having received the amount, contemporaneously, A1 who is the father is said to have executed a lease deed in favour of A9 and A10 who are none other than the son and the daughter-in-law of A1. That apart, the money trail was also traceable to the account of A9 and A10. There are totally 13 accused persons in this case and the petitioners are arrayed as A4 to A7. They are the directors of the company.

3. When the matter came up for hearing on an earlier occasion, this Court on considering the stand taken by the petitioners, passed an order on 06.08.2024 as follows:-



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“The learned counsel for the petitioners submits that he will forthwith move an application before the SEBI to record the fact that the sale consideration actually passed on to the investors and prayed before the SEBI to raise the attachment with reference to the property, which is sold to the defacto complainant.

2. call this matter on 13.08.2024.”

4. The matter was thereafter listed for hearing on 13.08.2024 and the following order was passed by this Court:

“Today, it is represented by the learned counsel for the petitioner that he has already filed an application before the SEBI and they have also appeared before the SEBI.

2. In view of the proceedings being going on, let this case be called on 11.09.2024.

3. In the meanwhile, the petitioner shall not be arrested.

4. The learned counsel for the intervenor also submits that they will appear before the SEBI if need arises on such hearing dates.”

5. When the matter was taken up for hearing today, the learned counsel for the petitioners submitted that the petitioners are taking all steps to raise the attachment on the property and the issue is pending before SEBI.

6. Heard the learned counsel on either side and perused the materials placed on



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record.

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7. Taking into consideration the facts and circumstances of the case and also considering the fact that these petitioners were directors of the company and the only allegations made against them is that they were aware of the fact that the property was under attachment during relevant point of time and considering the fact that these petitioners are taking efforts to get the attachment raised before SEBI, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Court No.II, Ramanathapuram, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their 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.

[b] the petitioners shall continue to take effective steps for the raising of



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attachment of the properties before SEBI.

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[c] the petitioners shall appear before the respondent Police as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 petitioners 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, 2023.

sd/-
29/11/2024

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/ 12 / 2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PAL



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TO

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1 THE JUDICIAL MAGISTRATE, NO.11, RAMANATHAPURAM.

2 DO-THROUGH

THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE

DISTRICT CRIME BRANCH, RAMANATHAPURAM DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to R. MANICKARAJ Advocate SR.No.14741(I) dated 29/11/2024

ORDER

IN

CRL OP(MD) No.8085 of 2024

Date :29/11/2024

PSP/ VR /SAR /11.12.2024/ 6P/ 6C

Madurai Bench of Madras High Court is issuing certified
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