



CRL OP(MD) No.21655 of 2023

WEB COPY 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.21655 of 2023

KALAISELVI

... Petitioner / Accused No.43

Vs

THE INSPECTOR OF POLICE
ECONOMIC OFFENCE WING,
MADURAI DISTRICT.
(CRIME NO. 7 OF 2022)

... Respondent / Complainant

For Petitioner : M/s.G.Thalaimutharasu, 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.



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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, 468, 471, 420, 120(b)IPC and Section 5 of the Tamil Nadu Protection of Interest of Depositors (in Financial Establishment) Act 1997 in Crime No.7 of 2022, seeks anticipatory bail.

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, New 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 return the profits. 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 A43 and she is the wife of A42 and he is working as Driver for A4. The petitioner herein is working as Nurse and she has not received any amount from anyone and there is no document to show that the petitioner herein is the Director of the alleged company. 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.



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Hence, he prayed to grant anticipatory bail to the petitioner.

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4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that totally 56 accused involved in this case and they have collected to the tune of Rs.300 Crores from 2810 victims and thereafter, the accused persons cheated the depositors. 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 and willing to deposit a sum of Rs.10,00,000/- to the credit of Crime Number, this Court is inclined to grant anticipatory bail to the petitioner. However, it is made clear that the benefits of anticipatory bail granted to the petitioner herein will not applicable to other accused persons in this case.

6.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 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 failed to surrender before the concerned Magistrate within a



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period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the petitioner is directed to deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the credit of Cr.No.7 of 2022 before the Special Court for TNPID Act Cases, Madurai, without prejudice to his rights, within a period two weeks from the date of receipt of a copy of this order. In the event of petitioner succeeding in the present 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

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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

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

2.The Inspector of Police,
Economic Offence Wing,
Madurai District.

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

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-539[I] dated 11/01/2024)

ORDER

IN

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Date :09/01/2024

ED/ VR /SAR- (29/01/2024) 5P / 5C

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