



CRL OP(MD) No.23239 of 2023

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

Friday, the Fifth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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SENTHILKUMAR @ NOVAL SENTHIL ... Petitioner / Accused Rank not known

Vs

THE INSPECTOR OF POLICE
ECONOMIC OFFENCE WING,
MADURAI.
(CRIME NO.05/2023)

... Respondent / Complainant

For Petitioner : M/s.S.Pandiyaraj, Advocate

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

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

PRAYER : FOR ANTICIPATORY BAIL IN CR.NO.05/2023 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 406, 420 and 34 IPC r/w. Section 5 of TNPID Act, 1997 in Crime No.5 of 2023 on the file of the respondent police, seeks



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anticipatory bail.

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2. The case of the prosecution is that the friend of the defacto complainant took him to the office of M.M.S. Health Care Technology Private Limited, Madurai, wherein the accused persons, who are the Branch Manager and Regional Head, stated about the Company and told that they would collect money from the investors and return the same with huge profits. Believing the words, the defacto complainant deposited a sum of Rs.45,90,000/- in his name and in the name of his son and his wife. After few days, the accused persons closed the company and when the defacto complainant went to Head Office and asked the money, there is no response from the company. Hence the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner herein has not collected any amount from the defacto complainant and his name was also not mentioned in the FIR. He would further submit that the co-accused has been granted anticipatory bail in Crl.O.P(MD).No.17108 of 2023 on 17.11.2023. Hence, he seeks anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that this is the second application for anticipatory bail and the



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earlier application filed by the petitioner in CrI.O.P(MD).No.17856 of 2023 was dismissed on 22.11.2023 by this Court. He would further submit that the investigation in this case is yet to be completed.

5. Considering the facts and circumstances of the case and the fact that the co-accused has been granted anticipatory bail in CrI.O.P(MD).No.17108 of 2023 on 17.11.2023 by this Court, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is granted anticipatory bail and he 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 District Judge for TANPID Act Cases, 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;

(b) 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



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Bank pass Book to ensure their identity;

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(c)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;

(d)the petitioner shall not tamper with 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 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]; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

sd/-
05/01/2024

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/01/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB



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To **மேலாட்சி**

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1.The Special District Judge for TANPID Act Cases,
Madurai.

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

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

+1 CC to M/s.S.PANDIYARAJ, Advocate (SR-299[I] dated 08/01/2024)

ORDER

IN

CRL OP(MD) No.23239 of 2023

Date :05/01/2024

ED/ DD /SAR- (22/01/2024) 5P / 5C

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