



WEB COPY

Crl.O.P.No.6031 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL O.P NO.6031 of 2025

Senbagamoorthy
S/o. Subramanian

....Petitioner/ Accused 33

Vs

The State represent by
Additional Superintendent of Police,
Economic Offences Wing,
Head Quarters,
Ashok Nagar, Chennai 600 083

....Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on anticipatory
bail in the event of his arrest in C.C. No.9 of 2023 on the file of the Hon'ble
Special Judge under TNPID Act, Chennai

For Petitioner : Mr.M. Soundar Vijay Arulram

For Respondent : Mr. E. Raj Thilak
Additional Public Prosecutor



ORDER

WEB COPY

The petitioner/A33, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420, 406, 409, 120(B), 201, 204, 109 r/w 34 IPC and Section 5 of the TNPID Act 1997 and Section 3, 5, 21(1), 21(2), 21(3), 23 and 25 of the Banning of Unregulated Deposits Scheme Act 2019 (BUDS Act 2019), in C.C. No.9 of 2023 on the file of the Special Judge under TNPID Act, Chennai, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was working as a Director in one of the branches of the first accused company and had canvassed deposits from the public for the first accused company by promising exorbitant interest and cheated them. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner was not arrested during the course of investigation even though he was very much available in his place of residence, since he was suffering from tuberculosis and is still suffering; that some of the co-accused were arrested and released on bail; and that considering the health

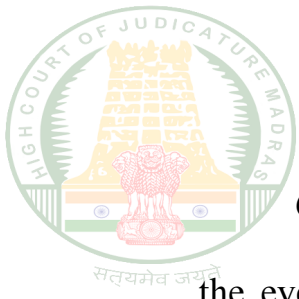


condition of the petitioner, and since the final report has been filed, he sought for anticipatory bail to the petitioner.

WEB COPY

4. The learned Additional Public Prosecutor confirmed the fact that the petitioner was not arrested during the course of investigation as he was suffering from a serious ailment. He further, on instructions, submitted that even now the petitioner is suffering from TB and is under treatment and that the petitioner had collected deposits on behalf of the Company, which was credited to the account of the Company.

5. It is seen that some of the accused were arrested and released on bail. The trial is yet to commence since admittedly the main accused, namely, Rajasekar (A9) and his wife (A15) are yet to be secured from Dubai. Considering the fact that the petitioner was not arrested during the course of investigation since he is suffering from a serious ailment and since the final report has been filed, this Court is of the view that custodial interrogation of the petitioner is not required and therefore, inclined to grant anticipatory bail to the petitioner with certain conditions.



WEB COPY

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 on which the order copy made ready, before **the learned Special Judge under TNPID Act, Chennai**, 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 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 Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the trial court on all hearing dates.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.



WEB COPY

Crl.O.P.No.6031 of 2025



[d] the petitioner shall not abscond either during investigation or trial.

[e] 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 of B.N.S.

25.03.2025

bga



WEB COPY

To

1. The Special Judge under TNPID Act, Chennai
2. Additional Superintendent of Police,
Economic Offences Wing,
Head Quarters,
Ashok Nagar, Chennai 600 083
3. The Public Prosecutor, High Court, Madras.

Crl.O.P.No.6031 of 2025



SUNDER MOHAN, J.

bga

Crl.O.P. No.6031 of 2025

25.03.2025