



Crl.OP.No.8286 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 15.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.8286 of 2025

Udayakumar

.. Petitioner

Vs.

The State rep by
The Inspector of Police,
EOW – Tiruppur,
Tiruppur District.
(Crime No.1 of 2025)

.. Respondent

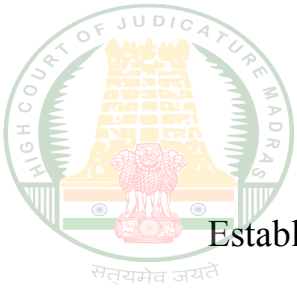
PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the
event of his arrest in Crime No.1 of 2025 on the file of the respondent
Police.

For Petitioner : M/s.J.Franklin

For Respondent : Mr.S.Santhosh
Government Advocate(Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent
police for the offences punishable under Section 120B, 409 & 420 of IPC,
Section 5 of TN Protection of Interest of depositors (In Financial



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Establishment) Act 1997 and Section 21(3) of the Banning of Unregulated Deposit Schemes Act 2019 (BUDS Act 2019) in Crime No.1 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner, who is the relative of the defacto complainant, introduced the first accused, who was running a company by name BTM (Banyan Tree Marketing) Private Limited to the defacto complainant and informed him that if he invested a sum of of Rs.2,000/-, an amount of Rs.400/- per month will be returned for a period of 15 months and thus, the petitioner along with other accused cheated the defacto complainant and about 180 depositors for a total sum of Rs.3,13,25,405/-.

3. The learned counsel appearing for the petitioner submitted that the petitioner is the brother-in-law of the defacto complainant; that the petitioner was only working as an agent and had not gained monetarily from the transaction and prayed for anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent police, reiterated the prosecution case and confirmed the fact that the petitioner was working as an agent and had collected money from 17 victims, for a total sum of Rs.41,36,000/- and he had received a sum of Rs.6,90,000/- as commission, which was credited to his bank account from the account of the first accused's company. He further submitted that the first accused was arrested on 30.05.2024 and released on bail on 09.09.2024.

5. At this juncture, the learned counsel for the petitioner would submit that the petitioner, without prejudice to his defence and contention, is ready and willing to deposit an amount of Rs.3,00,000/- to the credit of the crime number. Hence, he prayed for grant of anticipatory bail to the petitioner.

6. Admittedly, the petitioner had acted as an agent for the first accused and is close relative of the defacto complainant. According to the prosecution, the petitioner received a commission of Rs.6,90,000/- from the



account of the first accused's company. Considering the aforesaid facts and the voluntary submission made by the petitioner, this Court is of the view that custodial interrogation of the petitioner is not required for the purpose of investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, considering the voluntary submission, the petitioner is directed to make a non-refundable deposit of **Rs.3,00,000/- (Rupees Three Lakh only) to the credit of Crime No.1 of 2025** within a period of four weeks before the ***Special Court under TNPID Act, Coimbatore***, without prejudice to the right of the defence before the Trial Court, on such deposit and production of proof, 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 is made ready, before the ***Special Court under TNPID Act, Coimbatore***, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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 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 Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

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

[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 Petitioners 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]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

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Index : Yes / No
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SUNDER MOHAN, J.

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To

1.The Inspector of Police,
EOW – Tiruppur,
Tiruppur District.

2.The Special Court under TNPID Act, Coimbatore.

3.The Public Prosecutor,
Madras High Court,
Chennai.

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