



CRL OP(MD). No.22950 of 2024 &

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16.04.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.22950 of 2024 &
Crl.M.P.(MD)Nos.882, 886, 2237 and 2488 of 2025

Y.Nesika

... Petitioner/ A8

Vs

1.The State of Tamil Nadu,
Rep by the Deputy Superintendent of Police,
E.O.W, Nagercoil,
Kanyakumari District.

2.The Inspector of Police,
Economic Offence Wing,
Nagercoil, Kanyakumari District.
(Crime No.3 of 2024)

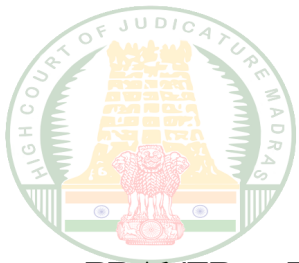
... Respondents/Complainant

For Petitioner : Mr.R.Balaguruswamy

For Respondents : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

For Intervenor : Mr.Sivasubramaniam

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS, 2023



CRL OP(MD). No.22950 of 2024 &

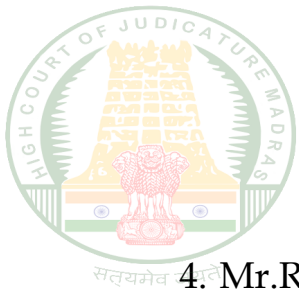
PRAYER :- For Anticipatory Bail in Crime No.3 of 2024 on the file of the respondent-police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 24.12.2024 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondents for the offences punishable under Sections 406, 420 and 120B of the Indian Penal Code, 1860 and Section 5 of Tamil Nadu Protection of Interest of Depositors (in Financial Establishment) Act, 1997 in Crime No.3 of 2024 on the file of the second respondent-police.

3. The case of the prosecution is that the accused persons are running registered financial establishments in the name of Anishka Trading Private Limited, A.R.Trade Care Service Private Limited, Anishka Marine Product India Limited and two unregistered companies namely Anishka Whole Sale Mart and Gowri Shankar Cashew Factor and the accused persons lured the defacto complainant to invest money by promising high monthly returns. The defacto complainant invested Rs.20,00,000/- based on these promise. Initially some returns were paid, but later stopped. When approached, the accused made false assurances and then absconded. Hence, the case.



CRL OP(MD). No.22950 of 2024 &

WEB COPY

4. Mr.R.Balaguru Swamy, learned counsel appearing for the petitioner submits that the petitioner did not commit any offence as alleged by the prosecution and she has been falsely implicated in this case. He further submits that the petitioner is co-operating with the investigation agency for investigation. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondents, on instructions, submits that the petitioner is co-operating with the investigation agency for investigation.

6. Heard on both sides. This Court has perused the records.

7. It appears that there are totally 11 accused persons in this case. A1 to A5 are Companies. It is stated that A6, A7, A9 to A11 were all arrested and released on bail and A7 is none other than the husband of the present petitioner. As per the earlier orders of this Court, the petitioner is co-operating with the investigation agency for investigation. Hence, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions:

(i) The petitioner shall be released on bail in the event of her arrest or in the event of her surrender before the learned Special Judge, TNPID Court, Madurai, within a period of 15 days from the date on which the order copy is made ready, on



CRL OP(MD). No.22950 of 2024 &

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executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Special Judge, TNPID Court, Madurai;

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall make herself available for interrogation by a police officer as and when required;

(iv) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(v) The petitioner shall not leave India without the previous permission of the Court;

(vi) Thereafter, the petitioner shall appear and sign before the second respondent-Police weekly twice i.e., on Sunday and Monday at 10.00 a.m. until further orders;

(vii) The petitioner shall furnish her residential address and mobile number to



CRL OP(MD). No.22950 of 2024 &

the learned Special Judge, TNPID Court, Madurai;

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(viii) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence; and

(ix) On breach of any of the aforementioned conditions, concerned Magistrate, or Trial Court as the case may be, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by them as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra. Consequently, connected Miscellaneous Petitions are closed.

sd/-

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Sub-Assistant Registrar

(C.S. I / II / III / IV)

Madurai Bench of Madras High Court,

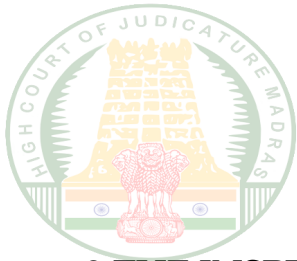
Madurai - 625 023.

MBI

TO

1 THE SPECIAL JUDGE,
TNPID COURT, MADURAI.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
THE STATE OF TAMIL NADU,
E.O.W, NAGERCOIL,
KANYAKUMARI DISTRICT.



CRL OP(MD). No.22950 of 2024 &

3 THE INSPECTOR OF POLICE,
ECONOMIC OFFENCE WING,
NAGERCOIL, KANYAKUMARI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.R.BALAGURUSWAMY, Advocate (SR-4336[I] dated 17/04/2025)

ORDER IN
CRL OP(MD) No.22950 of 2024
Date :16/04/2025

SA/SAR. /08.05.2025/6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.