

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2015

CORAM

THE HONOURABLE MR.JUSTICE S.MANIKUMAR

Crl.R.C.Nos.199 to 216 of 2015

N.Vinu Anand @  
Nagarajan Vinu Anand

.. Petitioner in all Crl.R.C.

Vs

State Rep. by  
The Deputy Superintendent of Police,  
EOW - II, Anna Nagar, Chennai. ... Respondents in all Crl.R.Cs.

Common Prayer

Criminal Revisions are filed under sections 397 r/w 401 of Criminal Procedure Code to set aside the order passed by the learned Trial Special Court under TNPID Act, at Chennai and modified the condition imposed by the learned Trial Judge under TNPID Act at Chennai vide in Crl.M.P.No.1781 of 2013 dated 05.11.2013.

Crl.M.P.No.1779/2014, dated 05.09.2014  
Crl.M.P.No.1782/2013, dated 05.11.2013  
Crl.M.P.No.1777/2014, dated 05.09.2014  
Crl.M.P.No.1778/2013, dated 05.11.2013  
Crl.M.P.No.1780/2013, dated 05.11.2013  
Crl.M.P.No.1783/2013, dated 05.11.2013  
Crl.M.P.No.1788/2014, dated 05.09.2014  
Crl.M.P.No.1787/2013, dated 05.11.2013  
Crl.M.P.No.1786/2014, dated 05.09.2014  
Crl.M.P.No.1785/2014, dated 05.09.2014  
Crl.M.P.No.1784/2013, dated 05.11.2013  
Crl.M.P.No.1789/2013, dated 05.11.2013  
Crl.M.P.No.1790/2013, dated 05.11.2013  
Crl.M.P.No.1791/2014, dated 05.11.2013  
Crl.M.P.No.1792/2014, dated 05.11.2013  
Crl.M.P.No.1793/2014, dated 05.11.2013 and  
Crl.M.P.No.1774/2014, dated 05.11.2013 respectively

For Petitioner : Mr.M.R.Radhakrishnan  
in all cases

For Respondent : Mr.P.Govindarajan  
in all cases Additional Public Prosecutor

C O M M O N O R D E R

As facts involved and submissions made assailing the correctness of the orders impugned are similar, this Court deems it fit to dispose of the Criminal Revision Cases, by a common order.

2. Material on record discloses that the petitioners are alleged to have lured the general public to deposit amounts in Tycoon Empire International Limited and Tycoons Mall Retail Private Limited, promising to give higher rates of interest on the deposits made. Advertisements have been made in television, newspapers and website that the companies would give interest at the rate of 8,500/- per month for 36 months if the depositor invests Rs.1,00,000/-. Advertisements were also made to the effect that if a depositor persuades another person, to deposit Rs.1,00,000/- he could get 10% of the sum as commission and also 1% commission for the next 36 months.

3. Accounts were opened in ICICI Bank, AXIS Bank, HDFC Bank, Punjab National Bank, State Bank Of India, Adyar Branches, in the names of the companies. Account numbers of the companies in the abovesaid banks were also published through website and pamphlets were also issued, inviting the public to deposit money, through banks, in the abovesaid accounts. On the default in repayment of the deposit amounts and interest, complaints have been made and six criminal cases in C.C.Nos. 8 to 13 of 2013, have been taken on file by the learned Special Judge under TNPID Act, 1997, Chennai.

4. Consequent to their arrest, they have filed, individual bail applications. After taking note of their prima facie involvement, in the commission of offences and the objections of the prosecution, by order dated 05.11.2013, the learned Special Judge, TNPID Court, has enlarged the petitioners on bail, on the following conditions:

" (1) that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with two solvent sureties each for the likesum to the satisfaction of this Court. Out of two sureties one of the surety must be a blood relative;

(2) that the petitioner on his release from shall appear before the Court on Every Heard Date in C.C.No.12/2013 at 10.30 a.m. Until further orders"

5. In all the revision petitions, Condition No.1, directing the petitioners to provide surety by one of the blood relatives alone, is assailed on the grounds that they are economically poor and that they were only employees of the abovesaid companies; that they were not connected with the management of the company and alleged offences, for which they are charged.

6. Material on record discloses that charge sheets have been filed against all the accused and that the criminal cases are pending, on the file of the learned Special Judge under TNPID Act, Chennai. All the accused are stated to be involved in six cases, in Tamilnadu and Kerala States. Having regard to their incarceration in prison for some time, and also of the fact that charge sheets have been filed against all the accused, the Court below has enlarged the petitioners on bail subject to the conditions stated supra.

7. On 25.02.2015, when the matter came up for hearing, considering the submission of the learned counsel for the petitioners, that no blood relatives of the petitioners have come forward to execute the solvent sureties, this Court directed the learned counsel for the petitioners as to whether, the petitioners would make a deposit of Rs.50,000/-, instead of executing a bond by any blood relative.

8. Reverting to the above, the learned counsel for the petitioners reiterated the same stand that the petitioners are poor and that they were not connected with the affairs of the companies. He also submitted that immovable properties of the companies are already under an order of interim attachment. However, no material document has been placed before this Court. On the submission of the learned counsel for the petitioner that whether the petitioners have actually participated in the day-to-day affairs of the company or not, the same can be decided only at the time of trial. Based on the material collected during investigation, the Inspector of Police, EOW - II, Anna Nagar, Chennai has filed charge sheets in C.C.Nos.8 to 13 of 2013 on the file of the learned Special Judge under TNPID Act. No finding can be recorded at this stage. Merely because the properties are in attachment, it cannot be said that Courts cannot impose any condition while enlarging the accused on bail. Attachment of the properties under the TNPID Act, is to ensure preservation of the

property and it has no connection whatsoever, for ensuring the presence of the accused during investigation or trial, of the case in which the accused are charged for offences.

9. It is well known that while granting bail, the Court can impose reasonable conditions for ensuring the presence of the accused during investigation or trial. In the case on hand, charge sheets have been filed. According to the learned counsel for the petitioners, trial has not commenced so far. But while granting bail, the learned Special Judge under TNPID Act, Chennai has imposed a condition that on release from jail, the petitioners shall appear before the Court on every hearing day, in the calender cases at 10.30 am, until further orders.

10. Fact that none of the blood relatives of the petitioners have come forward to execute a solvent surety for a sum of Rs.50,000/- to the satisfaction of the learned Special Judge under TNPID Act, Chennai, only indicates the credibility of the petitioners. Petitioners/accused are stated to be involved in six criminal cases in Tamilnadu and Kerala. Certainly, in the event of the petitioners/accused failing to appear before the learned Special Judge under TNPID Act, Chennai, trial in the criminal cases would be delayed.

11. Material on record, discloses that huge amounts have been collected by way of deposits by the abovesaid two companies. Though, learned counsel for the petitioners contended that all the petitioners have no role in the affairs of the companies, perusal of the impugned orders, shows that some of them are stated to be Directors. Considering the nature and the gravity of the alleged involvement of the petitioners, filing of the charge sheets, and the pendency of six criminal cases, against them, in the States of Tamilnadu and Kerala, presence of the accused for conducting the trial, is very much required and in the abovesaid circumstances, condition imposed by the learned Special Judge under TNPID Act, Chennai, directing the petitioners to execute a bond for a sum of Rs.50,000/- with two solvent sureties each to the likesum to the satisfaction of the said Court and out of two sureties, one should be from the blood relative, cannot be said to be onerous. In lieu of execution of sureties by one of the blood relatives, petitioners have not come forward to deposit the sum determined, by the Court below.

12. For the reasons stated supra, this Court does not find any illegality in the impugned orders warranting interference. All the Criminal Revision Cases are dismissed.

Sd/-  
Assistant Registrar

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Sub Assistant Registrar

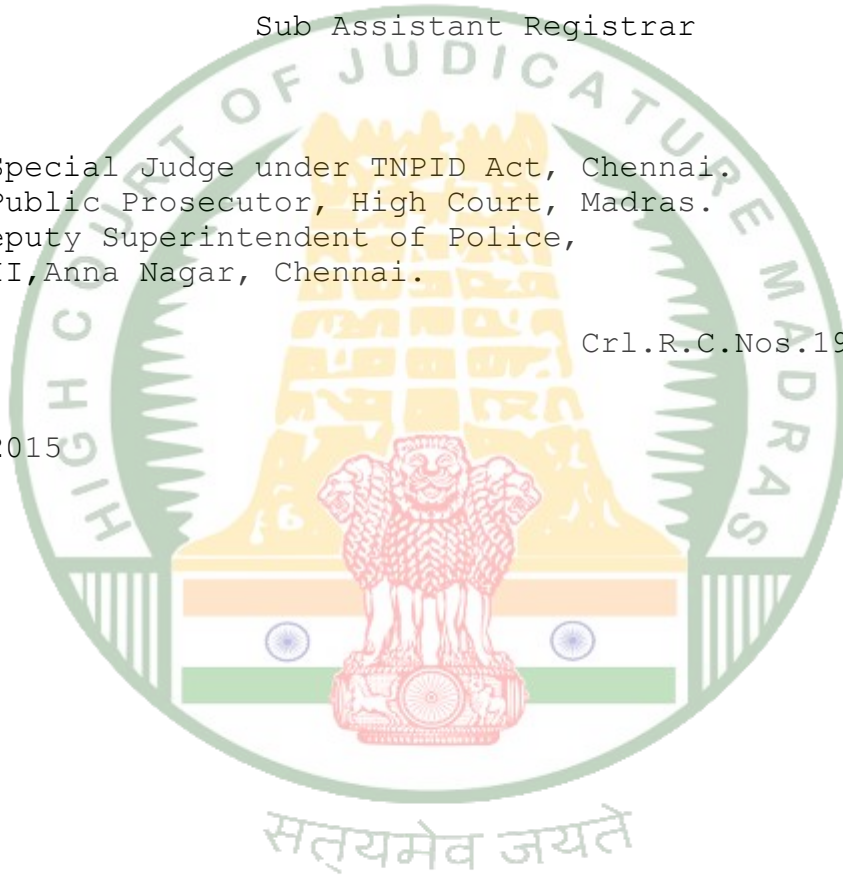
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To

1. The Special Judge under TNPID Act, Chennai.
2. The Public Prosecutor, High Court, Madras.
3. The Deputy Superintendent of Police,  
EOW - II, Anna Nagar, Chennai.

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