



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

Friday, the Twenty Eighth day of August Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE K.KALYANASUNDARAM

CRL OP(MD) No.13848 of 2015

S.MAHENDRAN

... PETITIONER/ACCUSED No.2

Vs

THE STATE REP.BY THE INSPECTOR OF POLICE,
ECONOMIC OFFENCES WING-II,
VIRUDHUNAGAR DISTRICT.
CRIME NO.4 OF 2010

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.A.JAYARAMACHANDRAN Advocate

For Respondent : M/S.S.PRABHA Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A2 apprehends arrest at the hands of the respondent police for the alleged offences punishable under sections 409, 420 of IPC and section 5 of TNPID Act, 1997, in Crime No.4 of 2010 on the file of the respondent police and hence, seeks anticipatory bail.

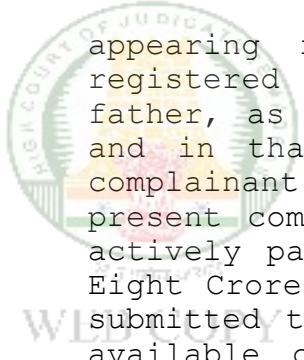
2.According to the de-facto complainant, the accused were running a financial institution in the name and style of Rich India Marketing (P) Limited at Sivakasi and they have collected deposits to the tune of Rs.8,12,54,595/- from 2895 depositors and they failed to return the amount, thereby cheated them.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The learned counsel further submitted that A1 is the father of the petitioner, who was running the finance company; that the respondent before registering this case, investigated Crime No.1 of 2010 after thorough investigation, laid a charge on 30.07.2010 exonerating the petitioner from that case holding that he was not taking part in the financial activities of the Rich India Marketing; that A1 was arrested and released on bail by this court on 26.10.2013 and the petitioner has filed a quash petition in the year 2011 and the same was dismissed only recently and the respondent has already completed the investigation.

4.It is further submitted that A1 has only signed in the deposit receipts and the entire case is based on the documentary evidence and there is no possibility of tempering evidence or witness in this case and therefore, custodial interrogation of the petitioner is not at all

<https://hcservicescourts.gov.in/hcservices/> case.

5.Per contra, the learned Government Advocate (Criminal side)



appearing for the respondent submitted that earlier the respondent registered a case in Crime No.1 of 2010 against the petitioner and his father, as they failed to pay Rs.1,82,398/- to the de-facto complainant and in that case, A1 has settled the entire amount to the de-facto complainant and therefore, the earlier case was disposed of. But in the present complaint, it is specifically stated that the petitioner/A2 had actively participated in canvassing and collected Rs.8,12,000 (Rupees Eight Crores and Twelve Lakhs only) from 2895 depositors. It is further submitted that considering the gravity of the offence and the materials available on record, the petitioner is not entitled for anticipatory bail.

6.It is true that Crime No.1 of 2010 was registered based on the complaint of the Village Administrative Officer and in that complaint, there is no specific allegation against the petitioner. The complaint was given on the apprehension that the accused may defraud the general public. However, in the present complaint, it is specifically alleged that the petitioner joining with the other accused have canvassed for deposit from the general public and collected amount and therefore, the contention of the petitioner have no force.

7.Considering the gravity of the offence, the petitioner is not entitled for anticipatory bail. Hence, this petition is dismissed

sd/-
28/08/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE INSPECTOR OF POLICE,ECONOMIC OFFENCES WING-II,
VIRUDHUNAGAR DISTRICT.

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

ORDER
IN
CRL OP(MD) No.13848 of 2015
Date :28/08/2015

GJM/AMF-2.9.15-2P-3C