



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

Wednesday, the Second day of December Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.14361 of 2015

1 SURULIMANI,
2 MEENA,
3 KUMARAN,
4 KARMEGAM,

... PETITIONER(S) / ACCUSED 2 & 5

Vs

THE STATE REP.BY THE INSPECTOR OF POLICE
EOW-II, MADURAI DISTRICT .
CRIME NO.6/2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.G.MARUTHAIAH Advocate

For Respondent : M/S.K.Anbarasan Government Advocate (Crl. Side)

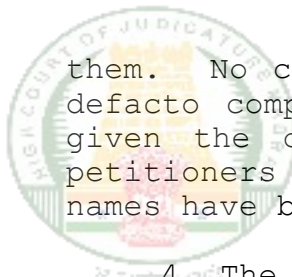
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.2 and 5 in Crime No.6 of 2015 on the file of the respondent police, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(b), 406 and 511 I.P.C. and Sections 4 and 5 of Tamil Nadu Prize and Chits Money Circulation (Banning) Act, 1978 and hence, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is the Managing Director and the petitioners 2 to 4 are the Directors of the Company. They distributed pamphlets and advertisements in the media about various attractive schemes conducted by them. They have offered high returns. The defacto complainant, on receiving one of the pamphlets, went to the business place of the petitioners' Company and enquired with the staffs. They did not furnish any details sought for by the defacto complainant, especially whether they have obtained any permission from the concerned Authorities for conducting the scheme. Hence, the defacto complainant has given a complaint and a case has been registered for the offences under Sections 120(b), 406 and 511 I.P.C. and Sections 4 and 5 of Tamil Nadu Prize and Chits Money Circulation (Banning) Act, 1978.

3. The case of the petitioners is that the petitioners purchased a land worth Rupees Three Crores and formed a lay out. As per their scheme, the persons who are not able to pay lump sum amount and purchase plot, they can pay the amounts in instalments. After paying all the instalments, the sale deed will be executed or the amounts will be paid to



them. No customer has given any complaint against the petitioners. The defacto complainant is not a customer or member of the Company. He has given the complaint only to extract money from the petitioners. The petitioners are innocent and they have not committed any offence and their names have been falsely implicated in this case.

4. The respondent police filed their written objections. The learned Government Advocate(Crl.Side) submitted that on receipt of the complaint the respondent police made preliminary enquiry and only staffs were available in the Company and they did not furnish any particulars. The petitioners are not available and they are absconding. They are conducting the scheme without permission from concerned Authorities. The Reserve Bank of India has written a letter to the Government to initiate proceedings against the Company. The petitioners, by issuing pamphlets and advertisements in the media, have attracted various innocent people for the purpose of cheating them. Therefore custodial interrogation of the petitioners is necessary.

5. On the earlier date of hearing, the learned Counsel for the petitioners submitted that the petitioners obtained permission from the Reserve Bank of India and the Securities and Exchange Board of India to conduct the scheme. Today, the learned Counsel for the petitioners did not produce any such document to show that they have obtained permission from the Reserve Bank of India or the Securities and Exchange Board of India. From the written objections filed by the respondent police, it is seen that the petitioners have conducted various scheme without obtaining permission from concerned Authorities. The petitioners are not available for enquiry and investigation is pending.

6. In the above said circumstances, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition is dismissed.

sd/-
02/12/2015

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE, EOW-II, MADURAI DISTRICT
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1cc to Mr.G.MARUTHIAH, Advocate Sr.No. 69268

TS/03.12.2015/2P-4C/ DP-SK/SAR - I

ORDER
IN
CRL OP(MD) No.14361 of 2015
Date :02/12/2015