



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

Wednesday, the Eleventh day of February Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD)Nos.93 & 390 of 2015

WEB COPY

R.PARAMESH

..PETITIONER/ACCUSED NO.1
IN CRL.OP(MD)NO.93/15

KALYANI

..PETITIONER/ACCUSED NO.3
IN CRL.OP(MD)NO.390/15

Vs.

STATE REP.BY THE INSPECTOR OF POLICE
ECONOMIC OFFENCES WING II,
MADURAI DISTRICT.
CR. NO. 5/2014.

..RESPONDENT/COMPLAINANT
IN BOTH PETITIONS

1 JEGATHEESWARI
2 SUMATHI
3 ABIRAMI
4 MURUGALAKSHIMI
5 TAMILARASI
6 INDHRA
7 MALLAIYAN
8 RAMAKRISHNAN
9 THIRUPATHI

... INTERVENORS IN CRL OP.Nos.93 & 390/15

1 GURUSAMY
2 CHANDRAN
3 SUBRAMANI
4 ESWARI
5 MOOKAMMAL
6 KALEESHWARI
7 RENGANAYAKI
8 MAYIL
9 NIRMALA
10 MUTHULAKSHMI
11 MURUGESHAN
12 MURUGAN
13 MATHI
14 KARUPPIAH
15 PONNUTHAYEE
16 PITCHAYAMMAL
17 MUTHUPETCHI
18 SIKKAMMAL
19 NAGALAKSHMI

... INTERVENORS IN CRL OP.Nos.93 & 390/15



For Petitioners: M/S.K.BAALASUNDHARAM, ADVOCATE
IN CRL.OP(MD) NO.93/2015

For Petitioners: M/S.D.RAMESH KUMAR, ADVOCATE
IN CRL.OP(MD) NO.390/2015

For Respondent: Mr.A.P.BALASUBRAMANI, Government Advocate (Crl.Side)
In Both the Petitions

For Intervenors: Mr.R.GANDHI, Advocate in Both the Petitions

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 420 and 120(b) IPC and Section 5 of Tamil Nadu Protection of Interest on Depositors (In Financial Establishments) Act, 1997 in Crime No.5 of 2014 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned counsel for the petitioners, the learned counsel for the intervenor and the learned Government Advocate (Crl.Side) appearing for the State.

3. On 28.01.2015, this Court passed the following order:

"3. The case of the prosecution is that these petitioners were running a company in the name of Makkal Desham Agro Tech-Private Limited and they had received deposits from various persons and defalcated around Rs.18 lakhs in making repayment.

4. The FIR has been registered based on the complaint given by one Jegatheeswari and about 77 depositors have approached the Police and have given 161(3) statements.

5. Mr.Balasundaram, learned counsel appearing for the petitioner in Crl.O.P.(MD) No.93 of 2015 would fairly submit that the petitioner was a Managing Director of the said company and on account of misfortune, the said business ran into rough weather. He submitted that if interim anticipatory bail is granted, there would be a possibility of the petitioner making arrangements so that the investors can be repaid some amount.

6. It will be easier for this Court to dismiss the anticipatory bail in limine, but that they may not serve the purpose and the depositors will be left high and dry. Under such circumstances, this Court, in the interest of justice, grants interim anticipatory bail for a period of two weeks from today to the petitioners with the direction to appear before the respondent Police daily at 10.30 a.m. and co-operate with the investigation.



7. In the event of the arrest, the petitioners are directed to be released on bail on each of them executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) without sureties to the satisfaction of the arresting officer.

8. Call on 11.02.2015. On that day, the respondent Police shall file a status report about the stage of the investigation."

4. Today, Police have filed their status report in which they have stated the magnitude of the offences alleged against these petitioners. It is seen that the petitioners have collected Rs.18,21,000/- from various depositors and cheated them. It is also stated in Paragraph No.6 of the counter that the petitioner in Crl.O.P.(MD) No.93 of 2015 appeared before the respondent police only on 29.01.2015 and thereafter, did not appear before the respondent police. The petitioner in Crl.O.P.(MD) No.390 of 2015 never appeared before the respondent police even for a single day. Though this Court granted interim anticipatory bail to the petitioners with the fond hope that they will appear before the respondent police and co-operate with the investigation of the case, they have not done so.

5. Taking into consideration the serious nature of allegations against these petitioners and the fact that the petitioners have not co-operated with the Police pursuant to the interim anticipatory bail, this Court is not inclined to grant anticipatory bail to them. Hence, the Criminal Original Petition stands dismissed.

sd/-

11/02/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

2 THE INSPECTOR OF POLICE
ECONOMIC OFFENCES WING II, MADURAI DISTRICT.

+1. CC to M/S.K.BAALASUNDHARAM Advocate SR.No.6897
+1cc to Mr. R.Gandhi, Advocate Sr.No.6365

ORDER

IN

CRL OP(MD) No.93 & 390 of 2015

Date :11/02/2015