



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

Monday, the Twenty Fifth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.10769 of 2016

RAJA

... PETITIONER/ACCUSED NO.4

Vs

THE STATE REP BY THE INSPECTOR OF POLICE,
EOW -II,MADRUAI, CR NO. 7/2016. ... RESPONDENT/COMPLAINANT

For Petitioner : M/S R.MARIAPPAN Advocate

For Respondent : MR.P.KANNITHEVAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for an alleged offence punishable under Sections 120B, 406, 420 of IPC and Section 5 of Protection of Interest of Depositors (In Financial Establishment) Act, 1997 in Crime No.7 of 2016, seeks anticipatory bail.

2. The case of the prosecution is that the accused persons collected the amount on promising to give high returns after 5 years and subsequently, they did not pay the maturity amount. A2 and A3 issued cheques to defacto complainant, which were dishonoured on presentation.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that due to the matrimonial dispute between A2 and A3, father and mother of the petitioner, his mother A3 lodged a complaint against A2 / his father. The petitioner has not received any amount from the depositors. He further contended that the petitioner / A4 was minor when the defacto complainant and others deposited the amount with the Company and he was not actively involved in the functions of the Company.

4. The learned Government Advocate (Crl. Side) filed counter and submitted that the petitioner is the Executive Manager of the Company. The company is not registered with the Securities and Exchange Board of India nor obtained permission from Reserve Bank of



India to run a non banking financial institution. The petitioner was actively canvassing the depositors making false promise of giving high returns and received huge amounts. Out of the money collected from the depositors, the petitioner's marriage was celebrated in a grand manner on 22.10.2015. Further, the petitioner has entered into film industry as Producer and invested huge amount from and out of the money collected from the depositors and he has purchased luxurious cars for his personal use. He further submitted that the preliminary investigation revealed that the petitioner and other accused persons have collected a sum of Rupees Eight Crores from thousands of depositors from Madurai, Sivagangai, Theni, Dindigul and Virudhunagar District and issued certificates to the depositors. But, on maturity they did not pay the amount. Investigation is being conducted to find out the number of depositors and amount defrauded. The amounts collected and not paid on maturity are yet to be recovered. The particulars with regard to details of purchase of properties has to be found out. Some of the accused are still absconding and therefore, the custodial interrogation of the petitioner is necessary.

5. I have considered the rival submissions made on either side.

6. It is seen that the petitioner and others were running an unregistered company and they have not obtained permission from Reserve Bank of India and collected huge amounts and failed to return the same on maturity to the depositors and they utilised the amount so collected for their personal luxurious life and the investigation is in preliminary stage, the custodial interrogation of the petitioner is necessary.

7. Accordingly, the Criminal Original Petition is dismissed.

sd/-

25/07/2016

/ 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
- 2 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) No.10769 of 2016

Date :25/07/2016

AA/ARK-PV/SAR-I/10.08.2016/2p-3c