



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

Friday, the Fifteenth day of December Two Thousand Seventeen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) Nos.2712 and 10733 & 10734 of 2017

S.RAJA	... PETITIONER/ACCUSED No.4 IN CRL OP(MD) No.2712 of 2017
R.DEIVAM	... PETITIONER/ACCUSED No.3 IN CRL OP(MD) No.10733 of 2017
R.DEIVAM	... PETITIONER/ACCUSED No.9 IN CRL OP(MD) No.10734 of 2017

Vs

STATE REP BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
MADURAI DISTRICT,
CRIME NO.64/2015

... RESPONDENT/COMPLAINANT IN
IN CRL OP(MD) Nos.2712 & 10733 of 2017

STATE REP BY
THE INSPECTOR OF POLICE
ECONOMIC OFFENCES WING-II,
MADURAI DISTRICT,
CRIME NO.1/2016

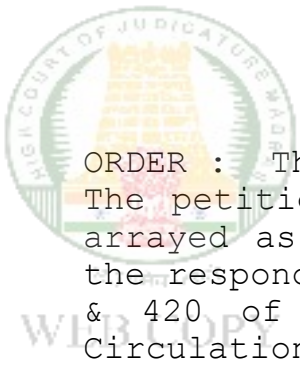
... RESPONDENT/COMPLAINANT IN
IN CRL OP(MD) No. 10734 of 2017

For Petitioner : M/S.J.SELVAM Advocate
IN CRL OP(MD) No.2712 of 2017
M/S.C.ARUL VADIVEL ALIAS SEKAR, Advocate in
IN CRL OP(MD) No.10733 & 10734 of 2017

For Respondent : MR.K.ANBARASAN, Govt. Advocate (Crl. Side)
IN ALL THE PETITIONS

For Intervenor : MR.K.APPADURAI, Advocate in all the petitions

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



ORDER : The Court Made the following order :-

The petitioners in Crl.O.P.(MD)Nos.2712 and 10733 of 2017, who are arrayed as accused Nos.3 and 4, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406 & 420 of I.P.C and Sections 4 & 5 of Prize Chits and Money Circulation Schemes (Banning) Act, 1978 in Crime No.64 of 2015 on the file of the respondent police, seek anticipatory bail.

2.The petitioner in Crl.O.P.(MD)No.10734 of 2017, who is arrayed as accused No.9 apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406_& 420 of I.P.C and Sections 4 & 5 of Prize Chits and Money Circulation Schemes (Banning) Act, 1978 in Crime No.1 of 2016 on the file of the respondent police, seeks anticipatory bail.

3.The case of the prosecution is that the petitioner in Crl.O.P.(MD)No.2712 of 2017 is the Assistant General Manager of Pariwar Dairies and Allied Limited and the petitioner in Crl.O.P.(MD)Nos.10733 & 10734 of 2017 is the Manager of the said company. The petitioners have collected huge amount from the general public at Madurai Zone. Hence, thousands of innocent general public filed complaints before the respondent police. Hence, a case in Crime No.64 of 2015 has been registered against the petitioners for the above said offences.

4.The learned counsel appearing for the petitioners submitted that the very basis of the complaint itself is not maintainable in view of the decision of the Hon'ble Supreme Court reported in **(1982) 1 Supreme Court Cases 561, State of West Bengal and Others v. Swapan Kumar Guha and others and State of West Bengal and Others v. Sanchaita Investments and Others.**

5.The learned counsel appearing for the intervenor submitted that initially SEBI ceased the matter and issued a direction to the said company to repay the deposited amount, which were collected from the general public.

6.The learned Government Advocate (Crl.side) appearing for the State submitted that the case is registered in the year 2015, the statement were recorded from various persons and that the law enforcing agency has collected huge material from various persons, since the petitioners have acted as agent and one person acted as Assistant General Manager of the said Company and another person has acted as the Manager. The decision relied upon by the learned counsel appearing for the petitioner is not applicable for considering the anticipatory bail. The consideration of the above decision will apply only at the time of argument in trial. The amount collected by the petitioners have been utilised for their personal expenses. Hence, if anticipatory bail is granted to the petitioners, they will abscond from the clutches of law and possible for tampering the evidence and hamper the investigation.



7. In view of the facts and circumstances, I am not inclined to grant anticipatory bail. Accordingly, these Criminal Original petitions are dismissed.

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sd/-
15/12/2017

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

TO

- 1 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, MADURAI DISTRICT
- 2 THE INSPECTOR OF POLICE
ECONOMIC OFFENCES WING-II,
MADURAI DISTRICT
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

ORDER
IN
CRL OP(MD) Nos.2712 and
10733 & 10734 of 2017
Date :15/12/2017

SMA/PM-PN/SAR-3/01.02.2018:3P/4c