



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Monday, the Tenth day of April Two Thousand Seventeen
PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

WEB COPY

CrI.O.P.(MD)Nos.3914, 4101, 4121, 4130, 4131 of 2017

N.NALINI ... PETITIONER/ ACCUSED RANK NO.12
IN CrI.O.P.(MD)No.3914 of 2017

Dr.C.BALAKRISHNAN ... PETITIONER/ ACCUSED
IN CrI.O.P.(MD)No.4101 of 2017

INDIRANI
UMA

MANIMARAN

BALAJI ...PETITIONERS/ ACCUSED NOS. 11,14,17 & 19
IN CrI.O.P.(MD)No.4121 of 2017

S.NALLAMUTHU

S.ASHOKAN

R.THANGAVEL

PANNERSELVAM

CHIDAMBARASAMY

..PETITIONERS 1 TO 5/ACCUSED 3,5,6,7 & 16
IN CrI.O.P.(MD)No.4130 of 2017

PALANIYAMMAL

... PETITIONER/ ACCUSED RANK NO.15
IN CrI.O.P.(MD)No.4131 of 2017

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,
ECONOMIC OFFENCE WING II,
KARUR DISTRICT.

IN CRIME NO.01 OF 2017.

... RESPONDENT/ COMPLAINANT
IN ALL THE PETITIONS

For Petitioner : M/S.B.JANATH AHMED Advocate
IN CrI.O.P.(MD)Nos.3914 of 2017

For Petitioner : M/S.K.P.S.PALANIVEL RAJAN, Advocate
IN CrI.O.P.(MD)No.4101 of 2017

For Petitioner : M/S.K.SAMIDURAI, Advocate
IN CrI.O.P.(MD)No.4121 of 2017

For Petitioner : M/S.K.BALASUBRAMANI , Advocate
IN CrI.O.P.(MD)No.4130 of 2017

For Petitioner : M/S.K.SURESH KUMAR , Advocate
IN CrI.O.P.(MD)No.4131 of 2017

For Respondent : M/S.M/S S.PRABHA, Govt. Advocate (CrI. Side)
IN ALL THE PETITIONS



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

ORDER : The Court Made the following order :-

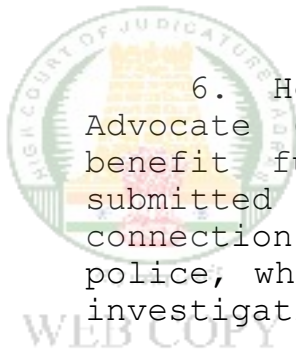
The petitioners, who are arrayed as accused Nos.3, 5, 6, 7, 11 to 17, 19, in Crime No.1 of 2017 on the file of the respondent police, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420, 120-B IPC r/w Section 5 of TNPID Act and hence, seek anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent/State.

3. The case of the prosecution is that the defacto complainant came to know from the daily news paper that a Finance Company, namely, M/s.Selvamahar Benefit Fund, situated at No.126-G, 3rd Floor, V.P.Tower, Govai Road, Karur, Karur District, functioning from the year 2010 onwards and it is alleged that they had offered more interest on the deposits made by the investors and therefore, the defacto complainant visited the financial company in the year 2010 and allegedly deposited a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) and in proof of the same, the Managing Partner, namely, R.Selvaraj, gave a promissory note by affixing his signature and the seal of the financial company.

4. It is also alleged that the Managing Partner has refused to give a receipt for the deposit made by the defacto complainant stating that they are only in the habit of issuing promissory note. On 06.05.2015, when the defacto complainant wanted back the deposited money, the Partners of the firm had failed to return the deposited amount and thus, cheated him and therefore, he preferred a complaint against the petitioners and others. Hence, the petitioners are before this Court.

5. The case of the petitioners is that as per the Partnership Deed, the said R.Selvaraj (A.1) and S.Ashokan (A.5) are the Managing Partners and they look after the day today administration of the firm and all other partners are only sleeping partners and as per Clause No.9 of the Memorandum of Partnership Deed, only the first and the fifth accused alone have the power to sign the document and as far as the transaction is concerned, only the first accused has signed the said promissory note in his individual capacity and it is not a receipt, but only a promissory note. The fifth accused has also not made any signature in the promissory note. It is stated by them they have nothing to do with the offence as alleged by the prosecution. They further submitted that as far as the petitioners are concerned, the learned counsel for the petitioners would submit that they are always ready and willing to co-operate with the enquiry as they have nothing to do with the alleged offence.



6. However, it is represented by the Learned Government Advocate (Crl.Side) that the petitioners have started the above benefit fund and they have cheated the public. She further submitted that nearly 20 accused are involved and in this connection, the first accused was already arrested by the respondent police, who is the signatory to the alleged promissory note and the investigation is pending.

7. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Special Court for TNPID Act cases, Madurai and on each executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
10/04/2017

/ TRUE COPY /

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

TO

1.THE SPECIAL COURT FOR TNPID ACT CASES, MADURAI.

2.THE INSPECTOR OF POLICE,
ECONOMIC OFFENCE WING II, KARUR DISTRICT.

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

+1. CC to M/S.B.JANATH AHMED @ JANATH KUMA Advocate SR.No.19825
+1. CC to M/S.K.P.S.PALANIVEL RAJAN Advocate SR.No.19864
+1. CC to M/S.K.SAMIDURAI Advocate SR.No.19822
+1. CC to M/S.K.BALASUBRAMANI Advocate SR.No.19831
+1. CC to M/S.K.SURESH KUMAR Advocate SR.No.19881

ORDER IN
CRL OP(MD) No.3914 of 2017
Date :10/04/2017