

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Thirtieth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.9564 of 2018

RAMYA

[PETITIONER / ACCUSED]

Vs

STATE REP BY ITS

DEPUTY SUPERINTENDENT OF POLICE EOW-II,
VELLORE,

CR.NO. 2 OF 2018

[RESPONDENT]

For Petitioner : M/S.S.SENTHIL KUMAR Advocate

For Respondent : M/S M.MOHAMED RIYAZ, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner seeks anticipatory bail in Crime No.2 of 2018 registered by the respondent police for the offence punishable under Sections 420, 406, 120B of IPC r/w Section 5 of Tamil Nadu Protection of Interest of Depositors (In financial Establishment) Act, 1997.

2. The case of the prosecution is that the accused, who were running the Company in the name and style of Royal Agro Dairy Limited, collected deposits from several depositors to the tune of Rs.15,00,00,000/- and thereafter, cheated the depositors by not returning the deposit amount and not paying the interest on it.

3. The learned counsel for the petitioner would submit that the petitioner is arrayed as A5 in this case. He would submit that other than being a nominal Director and the daughter of the Chairman and Managing Director of the Company, she has nothing to do with the day-to-day affairs of the business of the Company. He would submit that the petitioner had completed M.B.A., from Madras University during the year 2013-2015 and worked at Bangalore for one year and during 2016, she got married and she is living separately with her husband. He would also submit that the petitioner is now pregnant. He would submit that the main accused in this case, who are respectively her father and brother have been arrested and later, enlarged on bail.

He would submit that the petitioner understands that though an amount of Rs.15,00,00,000/- said to have been collected from the depositors, the property belonging to the petitioner's father and the company will be able to satisfy the claim of the depositors. He would submit that on 16.04.2018, the petitioner was granted interim protection and it was periodically extended and that the petitioner was directed to appear before the respondent for enquiry on 24.07.2018 and 26.07.2018.

4. The learned Additional Public Prosecutor appearing for the State would submit that the respondent has filed a status report today, wherein, it has been stated that the case was registered on the complaint of one Pradeep Kumar and so far 4860 depositors have given complaint and as on date, the claims stand to an amount of Rs.15,00,00,000/-, whereas the respondent, after conducting an enquiry, has stated that the father of the petitioner, who is the Chairman of Royal Agro Dairy Limited, has property worth of Rs.12.6 crores and the deficit will be few crores. He would submit that the main accused have been arrested and enlarged on bail. He would also submit that the petitioner appeared before the respondent for enquiry on 24.07.2018 and 26.07.2018.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the counsels, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Judge, TNPID Court, Chennai, on condition that the petitioner shall execute 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 respondent police or to the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled.

(ii) the petitioner shall report before the respondent police daily as and when required for investigation.

(iii) the petitioner shall file an affidavit before the learned Special Judge, TNPID Court, Chennai stating that she will co-operate with the respondent in the attachment proceedings.

(iv) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(v) the petitioner shall not abscond either during investigation or trial;

(vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;

(vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

30/07/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL JUDGE,
TNPID COURT, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE DEPUTY SUPERINTENDENT OF POLICE EOW-II,
VELLORE

+1CC to M/S.S.SENTHIL KUMAR Advocate on payment of necessary charges SR.NO. 14171

WEB COPY

CRL OP.9564/2018

Date :30/07/2018

cm 03/08/2018