



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

Friday, the Twenty Third day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3326 of 2018

1 M. SUYAMBU
2 S. KAMARAJ

... PETITIONERS/ACCUSED 1 and 6

Vs

STATE BY
THE DEPUTY SUPERINTENDENT OF POLICE,
EOW-II, NAGERCOIL, KANYAKUMARI DISTRICT.
IN CRIME NO.1/2016 ... RESPONDENT/ COMPLAINANT

For Petitioners : MR.M.VELMURUGAN for
M/S.S.C.HEROLD SINGH Advocate

For Respondent : MR.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

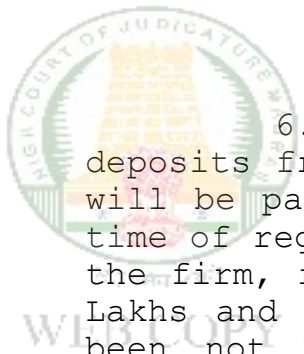
The petitioners, who are arrayed as accused nos.1 and 6, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 and 120(b) IPC and Section 5 of TNPID Act in Crime No.1 of 2016, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused had illegally collected money from various persons in the name of Rajakamangalam Benefit Fund Limited and failed to make repayment to the depositors. Thus, on complaint, a case has been registered against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution and their names have been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) would submit that the investigation of the case is still pending.

<https://hcservices.ecourts.gov.in/hcservices/>
5.The submissions made by the learned counsel appearing on either side are considered.



6. The petitioners and other accused have collected deposits from public after giving assurance that the deposit amount will be paid with interest after the period of maturity. At the time of registering the case, the total amount which was received by the firm, run by the petitioner is to the tune of Rupees Eighty Six Lakhs and Fifty Four Thousand only. So far, the said amount have been not been repaid to the public. In this connection, the petitioner being the accused nos. 1 and 6 filed this petition for granting anticipatory bail.

7. Before considering the prayer sought for by the petitioner it is necessary to see the previous orders passed by this Court in favour of this petitioner. Now, on going through the orders passed by this Court on 29.04.2016 in CrI.O.P(MD).No.6887 of 2016, it is seen that the petitioners were granted with anticipatory bail with the condition that each of the petitioners shall deposit a sum of Rs.2,00,000/- without prejudice to their case to the credit of Crime number mentioned in the petition. Subsequent to that order, on 26.09.2016 in CrI.O.P(MD).Nos.17221 of 2016, this Court directed the petitioners to deposit a sum of Rs.8,00,000/- in addition to the amount of Rs.2,00,000/-, which already deposited without prejudice their case to the credit of Crime No. 1 of 2016, before the TNPID, Special Court, Madurai, on or before 07.10.2016. Despite of various favorable orders passed in favour of the petitioner, they have not interested to comply with the said order. Now, after cancelling the above said order, nearly after the lapse of 1 ½ years, the petitioners herein have filed the present petition. Moreover, on going through the entire facts of the case, it appears that though this case has been registered in the year 2016, till date, none of the accused in this case have been secured and the amount which was deposited by the various persons is also not recovered. So, the inaction on the part of the investigating officers caused much prejudice to the people, who are all invested the various amounts in the firm, run by the petitioners and other accused. It is no doubt, only by way of interrogation alone, the amount which was deposited by the public have to be recovered in this case.

8. Considering the serious nature of offences committed by the petitioners, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition is dismissed.

sd/-
23/03/2018

/ TRUE COPY /



trp
TO

1 THE SPECIAL JUDGE,
(TNPID CASES) MADURAI

2 THE DEPUTY SUPERINTENDENT OF POLICE,
EOW-II, NAGERCOIL, KANYAKUMARI DISTRICT

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

ORDER

IN

CRL OP (MD) No.3326 of 2018

Date :23/03/2018

SMA/PN/SAR-3/10.04.2018:3P/4C