



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

Tuesday, the Third day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP (MD) No.4664 of 2018

1 REKHA @ LEKHA
2 JEYA
3 USHA KUMARI
4 REMA DEVI
5 SANTHI KUMARI

... PETITIONERS/ACCUSED No.7,9,10,11,12

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
ECONOMIC OFFENCES WING,
(FINANCE INSTITUTION)
KANYAKUMARI DISTRICT AT NAGERCOIL.
(CRIME NO.1 OF 2017)

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.C.BHARATHI Advocate

For Respondent : M/S.A.P.G.OHM CHAIRMA PRABHU,
Government 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.7, 9, 10, 11 and 12 apprehending arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 120B of IPC, Section 5 of the Tamil Nadu Protection of Interest of Depositors (In Financial Establishment) Act 1997, Section 4 and 5(a) of the Prize Chit and Money CIR.Schemes (Banning) Act, 1978. in Crime No.1 of 2017, on the file of the respondent police, seek anticipatory bail.

2.The petitioners herein were contractors of the Nirmal Krishna Chits Private Limited and other concerns. The said company has been in operation for a several years. Deposits were collected from the public and there was default and therefore Crime No.1 of 2017 has been registered on the file of the Inspector of Police, Economic Offences Wing(Finance Institution), Kanyakumari District, Nagercoil, under the various provisions of Tamil Nadu Protection of Interest of Depositors (In Financial Establishment) Act 1997.



3. Heard the learned counsel appearing for the petitioner as well the learned Government Advocate (Crl Side) appearing for the State.

4. The Managing Director, Nirmalan, was arrested and he has been granted bail after the expiry of the statutory period as regular bail. The first petitioner/Accused No.7 is the wife of Nirmalan. The petitioners 2 to 4 are the sisters. The fifth petitioner is the cousin sister. It is admitted that all the petitioners herein were Directors of the said company at some point of time or the other. The fourth petitioner herein Ramadevi is said to be suffering from cancer.

5. Mr. Dilip Kumar, learned counsel appearing for the petitioner submits that this petition for Anticipatory Bail can be considered for the fourth petitioner and he would not press in respect of the other petitioners. This Court makes it clear that the liability owed to the general public is of the order of more than Rs.500 Crores.

6. Taking note of this aspect of the case, this Court in any event would not grant bail to the petitioners 1, 2, 3 and 5. However considering the medical condition of the fourth petitioner Anticipatory Bail is granted to the fourth petitioner alone and in respect of the other petitioners it is dismissed as not pressed. The fourth respondent is directed to furnish the details of the properties that are standing in her name at the time of executing the sureties.

7. Considering the facts of the case, this Court is inclined to grant anticipatory bail to the fourth petitioner with certain conditions. Accordingly, the fourth petitioner is ordered to be released on bail in the event of arrest or on her appearance before the Special Court under T.N.P.I.D Cases at Madurai and on her executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the fourth petitioner shall appear before the respondent police as and when required for interrogation. The fourth petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

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

sd/-

03/04/2018

/ TRUE COPY /



TO

1 THE SPECIAL JUDGE, TNPID CASES, MADURAI.

2 THE INSPECTOR OF POLICE,
ECONOMIC OFFENCES WING,
(FINANCE INSTITUTION)
KANYAKUMARI DISTRICT AT NAGERCOIL.

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

+1. CC to M/S.C.BHARATHI, Advocate SR.No.5294

+1. CC to M/S.S.C.HEROLD SINGH, Advocate SR.No.5294

ORDER

IN

CRL OP(MD) No.4664 of 2018

Date :03/04/2018

PK/RR/SAR-1/06.04.2018 : 3P/6C