



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

Friday, the Twelfth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.575 of 2018

1 KANNAN

2 RAJASEKAR @ SEKAR

3 MALATHI

... PETITIONERS/ACCUSED No.4 to 6

Vs

THE STATE THROUGH,
THE INSPECTOR OF POLICE,
ECONOMIC OFFENCES WING,
MADURAI IN CRIME NO.4/2017,
MADURAI.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.RAJAMOHAN, Advocate

For Respondent : M/S.A.ROBINSON, Government Advocate (Crl.Side)

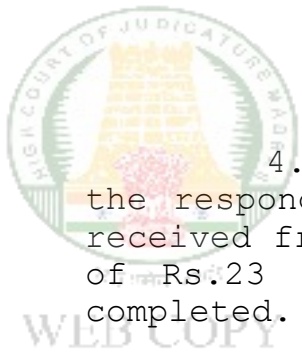
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A4 to A6, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 406 and 420 I.P.C., r/w Section 5 of Tamil Nadu Protection of Interests of Depositors Act, 1997 in Crime No. 4 of 2017, seeking relief to grant of anticipatory bail.

2.The case of the prosecution is that the petitioners have collected Rs.7000/- per month totally Rs.84,000/- in the year 2016 from the defacto complainant in the name of Diwali Fund, by promising to repay it as Rs.1,05,000/-. At the time of Diwali festival, they failed to repay the said amount to the defacto complainant, for which, he lodged a complaint against the petitioners. Based on the complaint, case has been registered for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not received any amount from the depositors at any point of time and never cheated any one in the name of Diwali Fund. Hence, he prays for anticipatory bail.



4. The learned Government Advocate (Crl.side) appearing for the respondent police submitted that as of now, 25 complaints were received from various persons and the petitioners have cheated a sum of Rs.23 lakhs totally. According to him, investigation is not completed.

5. Considering the submissions made on either side, it disclose that the offence under Sections 406 and 420 I.P.C., r/w Section 5 of Tamil Nadu Protection of Interests of Depositors Act, 1997 in Crime No. 4 of 2017 has been registered against the petitioners. According to the prosecution, during the time of occurrence, the petitioners herein along with three other accused have collected the deposits from various persons in the name of Deepawali Chit. The petitioners cheating more than 25 members, so far no amount was recovered. Hence, considering the gravity of offence committed by the petitioners, custodial interrogation is necessary for completing the investigation. Accordingly, the Criminal Original Petition is dismissed.

sd/-
12/01/2018

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

TO

- 1 THE INSPECTOR OF POLICE,
ECONOMIC OFFENCES WING, MADURAI
- 2 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.575 of 2018
Date :12/01/2018

PK/CM-VR/SAR-1/19.01.2018 : 2P/3C