



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

Tuesday, the Second day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) Nos.16386 and 16431 of 2017

1 KANNAN
2 MALATHI
3 RAJASEKAR
4 VALARMATHI
5 RAJA

... PETITIONERS / ACCUSED RANK NOT KNOWN
IN CRL OP (MD) No.16386 of 2017

... PETITIONERS / ACCUSED RANK NOT KNOWN
IN CRL OP (MD) No.16431 of 2017

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
ECONOMIC OFFENCES WING, MADURAI
IN CRIME NO. NOT KNOWN OF 2017,
MADURAI

... RESPONDENT / COMPLAINANT
IN BOTH PETITIONS

For Petitioners : M/S.R.RAJAMOHAN Advocate IN BOTH PETITIONS

For Respondent : MR.K.S.DURAIPANDIAN Additional Public Prosecutor
IN BOTH PETITIONS

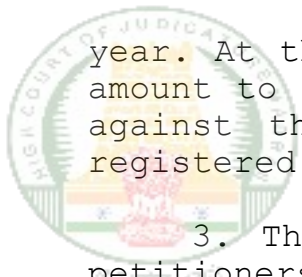
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

Since, the petitioners in these two petitions are involved in the same crime registered in Crime No.4 of 2017, these two petitions are taken up together, heard and disposed of by way of common order.

The petitioners in these two petitions, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 of IPC read with Section 5 of Tamilnadu Protection of Interests of Depositors Act, 1997, in Crime No. Not Known of 2017, on the file of the respondent police seeks anticipatory bail.

2. The petitioners in Crl.O.P.(MD).No.16431 of 2017 are the wife and husband and the petitioners in Crl.O.P.(MD).No.16386 of 2017 are the parents and brother of the 1st petitioner in Crl.O.P.(MD).No.16431 of 2017. The case of the prosecution is that the petitioners collected Rs.100/- per month, from the depositors in the name of Diwali Fund by promising to repay it as Rs.1500/- per



year. At the time of Diwali festival, they failed to repay the said amount to the depositors, for which the depositors lodged complaint against the petitioners. Based on the Complaint, case has been registered for the above said offences.

3. The learned counsel for the petitioner submitted that the petitioners are an innocent persons and they have not committed any offence as alleged by the prosecution.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that as of now 21 complaints were received from the depositors against the petitioners and the petitioners have cheated a sum of Rs.80,00,000/- totally. He further submitted that the case was registered in Crime No.4 of 2017 and investigation is yet to be completed. Hence, he prays for dismissal of these petitions.

5. Considering the submission of either side, it appears that as of now the case was registered against the petitioners in Crime No.4 of 2017 for the offence under Sections 406 and 420 of IPC read with Section 5 of Tamilnadu Protection of Interests of Depositors Act, 1997. According to the prosecution, so far 21 complaints were received against these petitioners. The petitioners received a sum of Rs.80,00,000/- from the depositors by way of chit, but such amounts are not repaid till now. So, considering the nature of offence committed by the petitioners, custodial interrogation is necessary for completing the investigation. Therefore, these petitions have no merits. Accordingly, these two petitions are dismissed.

sd/-
02/01/2018

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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.

+1. CC to M/S.R.RAJAMOHAN Advocate SR.No.3

ORDER

IN

CRL OP(MD)Nos.16386 and 16431 of 2017
Date :02/01/2018