

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2020

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THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P. No.8696 of 2020

Rajesh

... Petitioner

-VS-

The State rep by
The Inspector of Police
Economic Offences Wing-II
Erode District.

... Respondent

PRAYER:- Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the Petitioners on bail in Crime.No.727 of 2018 pending investigation on the file of the Respondent Police.

For Petitioner : M/s.D.Arun

For Respondent : Mr. C.Iyyappa Raj,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.01.2020 for the offence punishable under Sections 120B, 406, 420 of IPC r/w 5 of TNPID Act 1997 in C.C.No.24 of 2013 on the file of the

learned Special Court, TNPID, Coimbatore, seeks bail.

2.The case of the prosecution is that the first accused is the company and the second accused is the Director of A1 company. The accused had cheated 89 depositors to the tune of Rs.1.40 crores, Movable properties of Rs.3,00,000/- have been secured and immovable properties to the tune of Rs.25,00,000/-. Attachment proceedings are yet to be completed. This case came to be registered in the year 2012 and after the investigation charge sheet came to be filed in the year 2014 and was taken on the file in C.C.No.24 of 2013. Thereafter, evidence of the prosecution was closed on 27.11.2015. Thereafter, the case was posted for arguments and was reopened by the respondent on two occasions for adducing additional witnesses. Finally, the case was posted for Judgement on 24.03.2017. At that time, the petitioner submitted that he is ready to settle the depositors of the dues and hence the case was properly reopened and though the petitioner had promised to settle the depositors he was only delaying. Further, he has not shown any inclination for settling the dues. On 18.12.2019, the petitioner has not appeared before the lower Court and on which date, the witnesses were produced. Hence, the Hon'ble Special Court Under TNPID Act has issued a Non Bailable Warrant against the petitioner.

3.The contention of the petitioner is that the petitioner had been properly co-operating for the investigation and that during the trial, the delay has occurred only due to the respondent police. Even by 27.11.2015, eighteen witnesses were examined and the prosecution was closed. The petitioner had also cross examined the witnesses. Thereafter, at the instance of the respondents the case was reopened on two occasions for adducing additional witnesses. The petitioner has not objected to the same and cooperated with the trial. It is the respondent who on two occasions had reopened the case and further delayed the trial. The petitioner is not the reason for the delay. Thereafter, the petitioner had advanced his arguments and the case was posted for judgement on 24.03.2017 and the witnesses were recalled and cross examined. The petitioner appeared before the court as and when required. The petitioner had never taken time. On 18.12.2019, the petitioner could not attend the Court and also informed his counsel, due to which NPW came to be issued on 20.01.2020. The petitioner has been co-operating for conducting the case.

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4.The Additional Public Prosecutor submitted that the case came to be registered in the year 2012 and after the investigation, charge sheet has been filed in the year 2013. The examination of witnesses had

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been initially completed in the year 2015. Thereafter, it has been reopened and finally, after the completion of the examination of the witnesses the case was posted for Judgement on 24.03.2017. At that point of time, the petitioner was ready to settle the amount to 89 depositors and the amount involved is 1.40 crores. However, the petitioner has been dragging on the case and has been causing unnecessary delay. Hence, he opposed to grant bail to the petitioner.

5.Considering the above facts and circumstances of this case and also considering the bad antecedent of the petitioner, this Court is not inclined to grant bail to the petitioner.

6.Accordingly, the Criminal Original petition is dismissed.

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Index: Yes/No
Internet: Yes/No

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