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

Date : 14/12/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD).No.12001 of 2020

Menaka ... Petitioner/Accused No.4

Vs

The State rep.by
The Deputy Superintendent of Police,
Economic Offence Wing - II,
Madurai.
Crime No.2 of 2020. ... Respondent/Complainant

For Petitioner : Mr.P.Kumaresan,
Advocate.
For Respondent : Mrs.A.Ananthadevi
Government Advocate (Crl.Side)

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

PRAYER :-

For an Anticipatory Bail in Crime No.2 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A4, apprehending arrest at the hands of the respondent police for the offences punishable under sections 120(B), 406 & 420 IPC., and Section 5 of TANPID Act, in Crime No.2 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with her family members have started a Company in the name of of ''Angayoan Associates'' and Bullion Fintech LLP inviting deposits from the general public. Thereby, they received so far more than Rs.96 crores from 452 depositors. Thereafter, they violated their promise and refused to return back the amount which was deposited by the general public. On the complaint initially the Inspector of Police, District Crime Branch, Ramanathapuram registered the case in Crime No.41 of 2020 for the offence under Sections 406 and 420 IPC and in Crime No.347 of 2020 for the offence under Sections 406, 420, 294(b) and 506(ii) IPC on the file of the Inspector of Police, Bazar Police Station, Ramanathapuram. Since the entire allegations are related to TANPID Act, both crimes are transferred to the respondent police. Thereafter, the respondent police registered a case in Crime No.2 of 2020 for the offence under Sections 406, 420, 120(b) IPC and 5 of TNPID Act 1997 on the file of the Economic Offences Wing – II, Madurai.

3.The learned counsel appearing for the petitioner would submit that there are totally four accused, in which the petitioner is arrayed as A4. The first accused is a Company. So far as the petitioner is concerned she is the wife of A3. Insofar as the Company called Bullion Fintech LLP situated at Chennai, in which the petitioner's husband is in charge of the said Company. As far as the petitioner is concerned she happens to a wife of A3. She is nothing to do with the offence as alleged by the prosecution. He further submitted that A2 and A3 already arrested and subsequently released on bail. In fact, initially the petitioner was arrested and released on station bail in Crime No.347 of 2020 on the file of the Inspector of Police, Bazaar Police Station, Ramanathapuram. Now the entire investigation has been transferred to the file of the respondent police. In fact, the property stands in the name of the petitioner and her husband, however, now the original parent documents of the property stands in the name of her husband and he is in possession of the documents. In fact, the respondent also gave a representation to hand over the documents for investigation purpose. He further submitted that as far as the petitioner is concerned, she has no nexus with the administration of the Company, which was run by A3. Further she is not an authorized signatory to the Company to any of the transactions. She has been included as a shareholder of the Company with the minimum share of 10%. However, the petitioner is ready and willing to deposit a title deed to show her *bona fide* for her substantial amount.

4.The learned Government Advocate (Crl.side) filed a counter and submitted that there are totally four accused. Initially the crime was registered by the Bazar Police Station, Ramanathapuram and also District Crime Police Station, Ramanathapuram District and subsequently, both crimes are transferred to the file of the respondent police and registered a FIR in Crime No.2 of 2020 for the offence under Sections 120(B), 406 & 420 IPC and Section 5 of TANPID Act, in which the petitioner is arrayed as A4. So far they identified the property belongs to A3 and A4 as follows:

5.It is further submitted that the following immovable properties belongs to the accused person were identified and requisition letter has been sent to Inspector General of Registration to get the details of more property, which are belongs to accused persons and in the name of benami.

I) Properties belongs to A3 & A4

1. Resort ECR Chennai - Worth about Rs.3.5 crores
2. Vacant Site Chennai – Worth about Rs.1 crore
3. Land Coimbatore – Worth about Rs.1.3 crores
4. House Madurai – Worth about Rs.1.30 crores
5. Land Selam – Worth about Rs.35 lakhs
6. House and Land Selam – Worth about Rs.30 lakhs
7. Malasiya friend Sirajudeen – 1.5 crores for investment
8. Singapure friend Ajees - 15 lakhs for investment
9. Chennai Thousand Light – HDFC Bank - Jewel loan for 26 lakhs.
10. Cinema Producer Siva - 1.28 crores (Film – Thuppakki)
11. Cinema Producer Muruganandam – 1 crore (Film – Kappan)
12. Chennai T.Nager Green Studio Owner Ghanavel Raja Erode – 60 lakhs – Mahamuni Movie Right – 4 crores (Actor Arya)
13. Selamammaiyappanst – House - brother-in-law Sanmugam wife Sujitha name

Bank Accounts of Neethimani

Salem - IOB
Salem – Indusind Bank
Chennai – KVB, HDFC, AXIS

Bank Accounts of Menaga
Salem – Axis
Chennai – KVB, HDFC

Property Name of Anand

1. Land – RMD – worth about Rs.72 lakhs
2. land – Rmum – worth about Rs.72 lakhs
3. Land – Svg – worth about Rs.27 lakhs
4. Land – Devakottai – worth about Rs.30 lakhs
5. Karaikudi – Joe employee in all India Radio – Advance Rs.25 lakhs
6. RmadAkilgodownkannan @ Muthumanickam – Building Advance Rs.40 lakhs.

Bank Details of Anand
Rmd – Lakshmi Vilas Bank, SBI, Axis, HDFC – SB ACC

Bank details of Gayathri W/o.Anand
Rmd-KVB, HDFC-Current Acc
SBI AXIS - SB Acc
Angayan associates
Rmd - AXIS - Current Acc.

Further the request made to attach the said property is a meagre value. So far they have received 452 depositors. The petitioner and other accused persons have cheated the general public more than Rs.96 crores and now they have expected to the tune of nearly Rs.200 crores. Though A2 and A3 were arrested and subsequently released on default bail, the custodial interrogation of the petitioner is very much required in this case and as such, he vehemently opposed to grant anticipatory bail to the petitioner. She further submitted that the entire amount has been hand over to the petitioner, since she is the Managing Director of Bullion Fintech LLP Company. She has purchased the property from the crime proceeds and other relatives. Further some of the property purchased in her name. Hence, she opposed to grant bail to the petitioner.

6.It is seen that there are totally four accused in this case and the petitioner along with her family members have started the business in the name of ''Angayoan Associates'' and 'Bullion Fintech LLP'. So far as the petitioner is concerned, she is arrayed as A4 and wife of A3 and connected with the Bullion Fintech LLP situated at Chennai. Both the finance companies are sister concern and they have collected so far more than Rs.96 crores from 452 depositors and cheated them. Initially, the case was registered on the file of the Inspector of Police, Bazar Police Station, Ramanathapuram and Inspector of Police, District Crime Branch, Ramanathapuram. Both the cases have been transferred to the file of the respondent police and registered in Crime No.2 of 2020 under sections 120(B), 406 & 420 IPC and Section 5 of TANPID Act. Now A1 and A2 arrested and subsequently released on default bail. So far as the respondent did not attach any of the property belongs to the petitioner or her relatives.

7.On perusal of the counter some of the property accounts were identified by the respondent and they are taking action to attach the said property and also freeze the accounts, which stand in the Company name. According to the learned Government Advocate, the respondent State is expecting more complaints and the cheated amount may raise to the tune of Rs.200 Crores. Now the learned counsel for the petitioner would submit that the petitioner is ready and willing to deposit any of the title deed to the tune of substantial amount, which was alleged by the prosecution.

8.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

9.Accordingly, the petitioner shall deposit the original title deed stands in the name of the petitioner or his relatives or his friends, not less than the value of Rs.15,00,00,000/- (Rupees Fifteen crores only) with the proper valuation certificate issued by the Revenue Officials not below the Rank of Revenue Divisional Officer to the credit of Crime No.2 of 2020 on the file of the the learned Special Court for TANPID Cases, Madurai. On such deposit, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Special Court for TANPID Cases, Madurai,on condition that the petitioner shall execute a bond for a sum of Rs.10,000/-(Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of Four Weeks and thereafter as and when required for interrogation;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(f)if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
14/12/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1.THE SPECIAL COURT FOR TANPID CASES,
MADURAI.

2.THE DEPUTY SUPERINTENDENT OF POLICE,
ECONOMIC OFFENCE WING - II,
MADURAI.

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

+1 CC to M/s.P.KUMARESAN, Advocate (SR-8211[I] dated 15/12/2020)

ORDER
IN
CRL OP(MD) No.12001 of 2020
Date :14/12/2020

VSD
TK/PN/SAR.3/21.12.2020/6P/5C