



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Seventh day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.15694, 15698 & 15700 of 2021

1 S.C.SELVARAJ

2 M.SELVAM

[PETITIONERS / ACCUSED
IN CRL.O.P.No.15694/2021]

B.BASKARAN

[PETITIONER / ACCUSED
IN CRL.O.P.No.15698/2021]

C.KANCHIRAJAN

[PETITIONER / ACCUSED
IN CRL.O.P.No.15700/2021]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
ECONOMIC OFFENCES WING-II,
CHENNAI.
CRIME NO.7 OF 2021.

[RESPONDENT IN ALL THE PETITIONS]

For Petitioner : M/S.PRABAKAR, Advocate FOR
M/S.T.VENKATESH KUMAR Advocate
[IN ALL THE PETITIONS]

For Respondent : MR. A.GOPINATH, Govt. Advocate (Crl. Side)
[IN ALL THE PETITIONS]

FOR INTERVENOR : M/S.S.UDHYAKUMAR Advocate
[IN ALL THE PETITIONS]

PETITION FOR ANTICIPATORY BAIL 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 409 and 420 of I.P.C and Section 76 r/w 4 of the Chit Fund Act 1982 in Cr.No.7 of 2021, seeks anticipatory bail.



2. The case of the prosecution is that the A2 who is the Secretary of the Association namely "Ambattur Nadargal Dharma Paripalana Sangam", Ambattur, Chennai along with A4 who is the Deputy President of the said Association induced the de-facto complainant to subscribe to the chit run by their association on a false promise that it would be repaid on the demand made by the de-facto complainant assuring that the subscribed chit amount would be deposited in bank account of their Association. Believing the false promise made by the petitioners, the de-facto complainant deposited a total sum of Rs.4,24,525/- in the aforesaid Association. But due to problem that arose between the office bearers of the said Association, the monthly subscription was stopped. When the de-facto complainant demanded the repayment, only a sum of Rs.2,00,000/- was repaid and the balance amount of Rs.2,24,525/- was not paid by the petitioners. Hence the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Further he submitted that the several persons have made complaint before the Law Enforcing Agency that the amount deposited by them in the said Association was not repaid. It is further submitted by the learned counsel for the petitioners that the petitioners have decided to settle the entire due amount in favour of the victims and an affidavit stating the above has also been filed before this Court. In order to save their reputation the petitioners are ready and willing to settle the amount to those who have subscribed to the chits so far in their association within a reasonable time as may be fixed by this Court. The petitioner is ready to bear the cost in order to save the reputation of their Association and he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) submitted that investigation is pending in this case. He further submitted that in view of the affidavit filed by the petitioner, this Court may grant anticipatory bail to the petitioners and give appropriate direction to safeguard the interests of the victims/depositors.

5. The learned counsel for the intervenor submits that as on date 52 victims/depositors have registered complaint before the law enforcing agency.

6. Considering the facts and circumstances of the case and also taking into consideration the affidavit filed by the petitioners stating that they would settle the amount to the victims and abide by any condition that may be imposed by this Court, to give a quietus to the entire issue and also to have the matter settled so that all the depositors, who have invested money in the fund are not deprived of their hard earned money, in the interest of justice, is inclined to



appoint a retired Judge of this Court as Commissioner to settle the deposits between the depositors and the petitioners.

7. Accordingly, this Court appoints Justice, N. Kirubakaran, Judge (Retd.) as Commissioner, who shall take over the entire affairs of relating to settlement of claims made by the depositors for the purpose of settlement. The Commissioner shall cause public notice in two vernacular dailies calling upon persons, who had invested amounts in the petitioners fund to file necessary formal application along with proof of such deposit and after verification of the said claims, the Judge Commissioner shall settle the amounts due to the depositors.

8. The petitioners shall co-operate with the Judge Commissioner by placing before the Judge Commissioner all the relevant documents as also the necessary amounts for settlement of the depositors. The Judge Commissioner shall be paid a initial remuneration of Rs.2,00,000/- (Rupees Two Lakhs only) by the petitioners and the Judge Commissioner shall be paid a monthly remuneration of Rs.1,00,000/- (Rupees One Lakh only), for the works that would be taken up by the Judge Commissioner in settling the depositors.

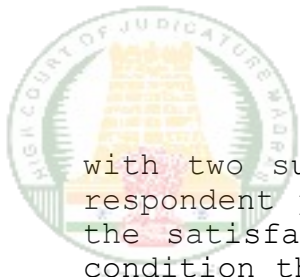
9. The public notice shall be caused in two vernacular dailies within a period of one week from the date of receipt of a copy of this order calling upon the persons, who have made deposit in the said fund to make their claim along with the necessary proof not later than 1.12.2021.

10. It is open to the Judge Commissioner to take the assistance of an Advocate for the purpose of scrutinising the claims and making settlement and the Judge Commissioner shall fix the remuneration of the said advocate, which shall be paid by the petitioners.

11. The entire exercise of receiving the claims, scrutinising and settling the same shall be completed within a period of three months from the date of publication of public notice by the Judge Commissioner.

12. In view of the order of this Court above and also taking into consideration the inclination of the petitioners to settle the depositors, this Court is inclined to grant anticipatory bail to the petitioners. The petitioners are directed to appear before the Respondent/Police every Monday till the issue is settled.

13. Accordingly, the petitioners are granted anticipatory bail and they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Chief Metropolitan Magistrate, Chennai, on condition that each of the petitioners 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

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(a) if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

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

(d) the petitioners shall report before the respondent police daily at 10.30 a.m. till the issue is settled;

(e) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioners shall not abscond either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

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

-sd/-

07/09/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE CHIEF METROPOLITAN
MAGISTRATE, CHENNAI.

2 THE INSPECTOR OF POLICE,
ECONOMIC OFFENCES WING-II,
CHENNAI DISTRICT.



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

COPY TO

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THE HON'BLE MR.JUSTICE N.KIRUBAKARAN JUDGE (RETD.)
NO.2 (NB), GREEN WAYS ROAD,CHENNAI-28.

+3 CC to M/S.T.VENKATESH KUMAR Advocate on payment of necessary
charges 9742, 9741, & 9740

CRL OP.15694 & 15698 & 15700/2021

Date :07/09/2021

RW 09/09/2021

RW 14/09/2021