



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.Nos.19796, 19798 and 18417 of 2021

CRL.M.P.No.10712/2021

IN CRL.O.P.NO.18417/2021

Chinnamani Velan

...Petitioner in
Crl.O.P.No.19796 of 2021

Sankar

...Petitioner in
Crl.O.P.No.19798 of 2021

Rithanya

...Petitioner in
Crl.O.P.No.18417 of 2021

Vs.

The State rep by
The Inspector of Police,
EOW-II Police Station,
Chennai.
(Crime No.25 of 2021)

... Respondent in all
Crl.O.Ps.,

PREM KUMAR

[PETITIONER / INTERVENER]

[ORDERED AS PER ORDER OF THIS COURT DATED 26/10/2021 IN CRL.MP.10712 /
IN CRL.O.P.NO.18417/2021]

PRAYER in Crl.O.P.Nos.19796 & 19798 of 2021: Criminal Original Petitions have been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail in Crime No.25 of 2021 on the file of the respondent police.

PRAYER in Crl.O.P.No.18417 of 2021: Criminal Original Petition has been filed under Section 438 of Cr.P.C, prayed to enlarge the petitioner on anticipatory bail in the event of her arrest in connection with Crime No.25 of 2021 on the file of the respondent police.



WEB COPY

For Petitioners : Mr.K.K.Ramakrishnan Advocate
(in all petitions)

For Respondent : Mr.A.Gopinath Government Advocate
(Crl.Side) (in all petitions)

For Intervenor : Mr.C.S.S,Pillai
in Crl.O.P.No.18417 of 2021

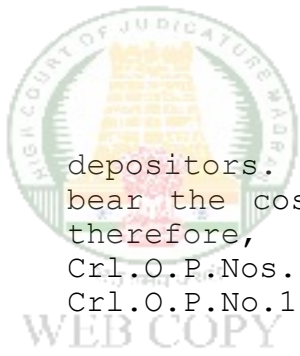
COMMON ORDER

The petitioners in Crl. O.P. Nos.19796 and 19798/21, who were arrested on 14.09.2021 and remanded to judicial custody for the offences under Sections 120(B), 420 of IPC and Section 5 of Protection of Interest of Depositors (In financial establishment) Act 1997, in Crime No.25 of 2021 on the file of the respondent police, seek bail.

2. The petitioner in Crl.O.P.No.18417 of 2021 who apprehends arrest for the offences under Sections 120(B), 420 of IPC and Section 5 of Protection of Interest of Depositors (In financial establishment) Act 1997, in Crime No.25 of 2021 on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that A1 and A2 introduced attractive schemes to the General Public promising that a deposit of Rs.1 Lakh by them would stand repaid after two months in a sum of Rs.1,30,000/-. On the said promise, the petitioners along with other accused persons had collected huge sums of money from several depositors, but cheated them by not repaying the amount. Hence, the complaint.

4.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 Company was not repaid. It is further submitted by the learned counsel for the petitioners that the petitioners are genuine persons and have no inclination of cheating the depositors and that they are ready and willing to settle the entire due amount in favour of the victims and an affidavit to the above effect has also been filed before this Court. In order to save their reputation the petitioners are ready and willing to settle the amount to the



depositors. He further submitted that the petitioners are ready to bear the cost in order to save the reputation of their Company and, therefore, learned counsel prays for grant of bail in Crl.O.P.Nos.19796 and 19798 and grant of anticipatory bail in Crl.O.P.No.18417 of 2021.

5. Learned counsel for the petitioner further submitted that this Court may appoint Hon'ble Mr. Justice N.Kirubakaran, Judge (Retd.) to take over the affairs relating to settlement of claims made by the depositors and further submitted that this Court may order payment of a sum of Rs.3,00,000/- (Rupees Three Lakhs only) per month as remuneration to the Judge Commissioner and a sum of Rs.50,000/- per month (Rupees Fifty Thousand only) may be paid to the Advocate, from whom the Judge Commissioner desires to take assistance for discharging the said work.

6.The learned Government Advocate (Crl. Side) submitted that investigation is pending in this case. It is further submitted that in the interest of justice, this Court may grant bail/anticipatory bail to the respective petitioners by giving appropriate direction safeguarding the interests of the victims/depositors. The Investigating officer also appears before this Court she has no objection for appointment of Judge Commissioner to take over affairs and disbursement of amount to the depositors.

7. The learned counsel for the intervenor submitted that as on date 181 victims/depositors have registered complaint before the law enforcing agency.

8. Considering the facts and circumstances of the case and also taking into consideration the submission that the petitioners are ready and willing to settle the amount to the victims and to 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, and in view of the consent expressed by the petitioners for appointing Hon'ble Mr. Justice N.Kirubakaran, Judge (Retd.), as Judge Commissioner, this Court appoints Hon'ble Mr. Justice N.Kirubakaran, Judge (Retd.), as Judge Commissioner, to settle the amounts to the depositors from the amount to be provided by the petitioners.

9. The Judge Commissioner shall take over the entire affairs relating to the 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' Company, 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.



10. 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. As accepted by the petitioners, the Judge Commissioner shall be paid a remuneration of Rs.3,00,000/- (Rupees Three Lakhs only) per month and a sum of Rs.50,000/- (Rupees Fifty Thousand only) per month be paid to the person, from whom the Judge Commissioner takes assistance in settling the depositors.

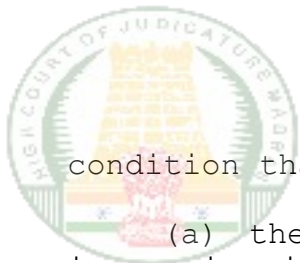
11. The public notice shall be caused in two vernacular dailies within a period of one week from the date of receipt of a copy of this order calling upon the persons, who have made deposit in the said schemes to make their claim along with the necessary proof not later than 1.12.2021.

12. 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 for whom monthly remuneration has already been fixed by this Court above. The remuneration to the Judge Commissioner and the Advocate from whom assistance is taken by the Judge Commissioner shall be paid by the petitioners.

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

14. 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 bail to the petitioners in Crl.O.P.No.19796 and 19798 of 2021 and this Court is inclined to grant anticipatory bail to the petitioner in Crl.O.P.No.18417 of 2021.

15. Accordingly, the petitioners in Crl.O.P.Nos.19796 and 19798 of 2021 are ordered to be released on bail on their executing 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 Special Judge under the Tamil Nadu Protection of Interest of Depositors (in Financial Establishment) Act 1997, Chennai and the petitioner in Crl.O.P.No.18417 of 2021 is granted anticipatory bail and she is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Special Judge under the Tamil Nadu Protection of Interest of Depositors (in Financial Establishment) Act 1997, Chennai, on condition that each of 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further



condition that:

(a) 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 petitioners in Crl. O.P. No.19796 and 19798/21 shall report before the respondent police daily at 10.30 a.m. till the issue is settled and the petitioner in Crl. O.P. No.18417/21 shall appear before the respondent police every Monday till the issue is settled;

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

(d) the petitioners 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 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;

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

-sd/-

26/10/2021

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

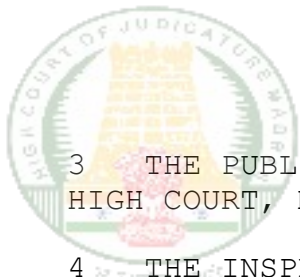
TRUE COPY

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

TO

1 THE HON BLE MR.JUSTICE N.KIRUBAKARAN JUDGE (RETD.),
NO.2 (NB) GREENWAYS ROAD,
CHENNAI 28

2 THE SPECIAL JUDGE
UNDER THE TAMILNADU PROTECTION OF INTEREST
OF DEPOSITERS (IN FINANCIAL ESTABLISHMENT)
ACT 1997, CHENNAI



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
EOW-II POLICE STATION,
CHENNAI,

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

+6 CC to M/S.K.K.RAMAKRISHNAN Advocate on payment of necessary
charges SR.No.11758,11759,11760

CRL OP.19796,19798,18417/2021
CRL.M.P.No.10712/2021

in
CRL.O.P.NO.18417/2021

Date :26/10/2021

APN 27/10/2021