



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

Date : 24/02/2021

WEB COPY

PRESENT

**The Hon`ble Mr.Justice G.R.SWAMINATHAN**

CRL OP(MD) . No.3269 of 2020

Mohandas @ Vincent Mohandas @ Jeyakumar

... Petitioner/Accused No.4

Vs

The State rep.by  
The Inspector of Police,  
Economic Offences Wing,  
Tirunelveli.  
Crime No.02/2018.

... Respondent/Complainant

For Petitioner : Mr.AR.Jeya Rhuthran,  
Advocate.

For Respondent : Mr.A.Robinson,  
Government Advocate (Crl.Side)

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

PRAYER :-

for Anticipatory Bail in Crime No.2 of 2018 on the file of the  
respondent police

**ORDER :** The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the  
learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the  
respondent police for the offences punishable under sections 406,  
420 of I.P.C. and Section 5 of Tamil Nadu Protection of Interest of  
Depositors (In Financial Establishment) Act, 1997, in Crime No.2 of  
2018 on the file of the respondent police, seeks anticipatory bail.

3.The petitioner's earlier petition for anticipatory bail was  
dismissed on 13.12.2019. This is the second petition filed by the  
accused.

4.The case of the prosecution is that a Financial  
establishment run in the name and style of Hindustan Agri India  
Limited Company, collected deposits to the tune of Rs.1.9 crores.



The petitioner was one of the Directors. In this regard, a case was registered wayback on 26.12.2018.

5.The learned counsel for the petitioner submitted that in the FIR, the primary allegations are directed only against Ramasudarsan, the Managing Director of the Company. There is no specific allegations made against the petitioner herein. Even the confession of Ramasudarsan would not involve the petitioner in any blame worthy activity. The said Ramasudarsan was arrested and granted bail after he came forward to deposit the title documents worth Rupees one crore and a sum of RS.5,00,000/-. When the prosecution moved this Court for cancellation of bail, granted to Ramasudarsan, this Court dismissed the same by observing that no purpose would be served in sending him back to prison.

6.The learned counsel for the petitioner would further point out that after this Court granted interim protection to the petitioner, he co-operated with the investigation and no purpose would be served by committing him to custody.

7.I am unable to accept the aforesaid submissions of the learned counsel for more than one reason. As rightly pointed by the learned Government Advocate that this is the petitioner's second attempt before this court to obtain relief. There is no change in circumstance whatsoever. The petitioner had earlier claimed before this Court that his name was wrongly included as one of the Directors in the records of the register of the companies, but a verification made by the investigation officer reveals that the petitioner became a Director of the accused company entirely on his own volition. That apart, the prime accused has floated similar financial establishment in the State of Kerala (Hail Nithi Limited) and the petitioner is figuring as a Director in the said Company also.

8.The case on hand involves cheating the members of the general public to the tune of several millions of rupees. The complaints received so far indicate that the amount involved is more than Rs.1.90 crores. As many as 588 depositors have lodged complaints.

9.The learned Government advocate also submits that only a custodial interrogation will unearth more facts in this case. The prosecution does not have all the facts as to the diversion of funds collected from the members of the general public. Only a custodial interrogation of the petitioner would reveal the same. The petitioner cannot take advantage of the order passed by this Court, when the prosecution wanted to cancel the bail of Ramasudarsan. Ramasudarsan, admittedly, was in custody and granted bail, after he spent more than a month in custody. An order declining to cancel the bail already granted cannot be pressed in to service for obtaining anticipatory bail.



10.This case involves cheating by a financial establishment. It is a social crime and that is why the state of Tamil Nadu, thought fit to enact a special legislation. A case arising under TNPID Act, cannot be casually dealt with. The petitioner has not made out any case for grant of the relief of anticipatory bail. Accordingly this criminal original petition stands dismissed.

sd/-  
24/02/2021

/ TRUE COPY /

/ /2021  
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 INSPECTOR OF POLICE,  
ECONOMIC OFFENCES WING,  
TIRUNELVELI.

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

+1. CC to Mr.AR.JEYA RHUTHRAN Advocate SR.No.1402

ORDER  
IN  
CRL OP(MD) No.3269 of 2020  
Date :24/02/2021

RM  
TK/PN/SAR.1/03.03.2021/3P/4C