



WEB COPY

Crl.O.P.(MD)No.3553 of 2021:

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

Reserved on	Pronounced on
13.07.2021	15.07.2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) . Nos.3553 and 4384 of 2021

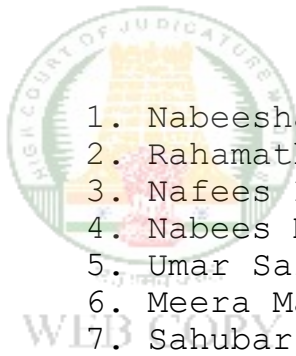
Crl.O.P. (MD)No.3553 of 2021:

1. Femina Banu
2. Sheik Mohamed ... Petitioners/Accused No.8 and 9
Vs

The State Rep.by
The Inspector of Police,
E.O.W-II, Dindigul.
Crime No.2/2020. ... Respondent/Complainant

1. Mariyappan
2. Sathiya
3. S.Lakshmi
4. V.Palanichamy
5. M.Syed Abuthaheer
6. Selvi
7. Ajima Jasmine
8. Sheik Abdul Kather Jailani
9. Barakathnish
10. S.Muthu
11. A.Selvam
12. Kaathun Beevi
13. Jannathammal ... Petitioner / Intervenors
in CRL MP (MD) . 4597/ 2021

1. Syed Ibrahim
2. Abdul Nazar
3. A.Malliga Begam
4. Balkis Beevi
5. Ayisha Beevi
6. Bathamuthur
7. Thuslim Fathima
8. K.A.Rahim ... Petitioners/ Intervenors
in CRL MP (MD) . 4598/ 2021



1. Nabeesha
2. Rahamathulla Khan
3. Nafees Fathima
4. Nabees Mohamed
5. Umar Salmal
6. Meera Maideen
7. Sahubar Ali

... Petitioners/ Intervenors
in CRL MP(MD). 4599/ 2021

1. Thameem Ansari
2. Birose Begam
3. T.Hameem Sameera Parveen
4. J.Javith
5. T.Harish

(The 6th petitioner is represented by his
father and natural guardian, the 1st petitioner herein)

6. Kamaludeen
7. Jarina
8. K.Gulam Nabi Azad
9. Saliya
10. Ashika Fathima
11. Mallika Fathima

... Petitioners/ Intervenors
in CRL MP(MD). 4600/ 2021

1. Muthuraj
2. P.Sumathi
3. Dhanalakshmi
4. P.Pappa
5. M.Meena

... Petitioners/ Intervenors
in CRL MP(MD). 4601/ 2021

1. Maniyammal
2. R.Tharini
3. R.Radhakrishnan
4. R.Sudsharshini
5. S.Alexander Mohan
6. S.Latha
7. Subramanian
8. P.Kuppusamy
9. R.Kumarapandain
10. S.Santhiselvi
11. K.Selva Subriya
12. V.Nallamuthu

... Petitioners/ Intervenors
in CRL MP(MD). 4604/ 2021

1. G.Ganesan
2. G.Meenakshi
3. Kannan
4. R.Najeema



6. Kannamani
7. Manikandan
8. M.Subburaj
9. K.M.Lakshmi Priya
10. K.Shanmuga Priya

... Petitioners/ Intervenors
in CRL MP(MD). 4606/ 2021

WEB COPY

1. Karuppaiah
2. K.Lakshmi
3. R.Ganesan
4. G.Jeyalakshmi
5. M.Gangadevi
6. K.Lakshmi

... Petitioners/ Intervenors
in CRL MP(MD). 4609/ 2021

1. B.Ananda Padmanaban
2. P.ThirumalaiChamy
3. Veerathilagam
4. Sathiyabama
5. Nagaveni
6. Chitra
7. Shanathul Firthous
8. Nagarajan
9. Rajendran
10. Iyappan
11. Basira Begam

... Petitioners/ Intervenors
in CRL MP(MD). 4611/ 2021

1. A.Paramasivam
2. P.Muthulakshmi
3. Malar Selvi
4. R.Amutha
5. P.Ramanathan
6. S.Seeth Kani
7. Lavanya
8. Thirumalaisubbu
9. Murugeswari

... Petitioners/ Intervenors
in CRL MP(MD). 4614/ 2021

For Petitioner : Mr.A.Raja,
Advocate.

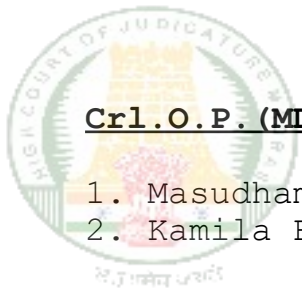
For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Government Pleader

For Intervenors: Mr.R.Balakrishnan, Advocate

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

PRAYER :- For Anticipatory Bail in Crime No. 2/2020 on the file of
the respondent Police.

<https://hcservices.ecourts.gov.in/hcservices/>



Crl.O.P. (MD)No.4384 of 2021:

1. Masudhammal
2. Kamila Banu

... Petitioners/Accused No.5 and 7

Vs

State rep.by
The Inspector of Police,
Economic Offences Wing-II,
Dindigul.
Crime No.2 of 2020.

... Respondent/Complainant

Maniyammal ... Petitioner/ Intervenor in CRL MP(MD). 4027/ 2021

1. R.Tharani
2. R.Radhakrishnan
3. R.Sudharshini
4. S.Alexander Mohan
5. S.Latha
6. Subramanian
7. P.Kuppusamy
8. R.Kumarapandian
9. S.Santhiselvi
10. K.Selva Subriya
- 11.V.Nallamuthu

... Petitioners/ Intervenor
in CRL MP(MD). 4595/ 2021

1. Muthuraj
2. P.Sumathi
3. Dhanalakshmi
4. P.Pappa
5. M.Meena

... Petitioners/ Intervenor
in CRL MP(MD). 4596/ 2021

1. Karuppaiah
2. K.Lakshmi
3. R.Ganesan
4. G.Jeyalakshmi
5. M.Gangadevi
- 6.K.Lakshmi

... Petitioners/ Intervenor
in CRL MP(MD). 4602/ 2021

1. Syed Ibrahim
2. Abdul Nazar
3. A.Malliga Begam
4. Balkis Beevi
5. Ayisha Beevi
6. Bathamuthu
7. Thuslim Fathima
- 8.K.A.Rahim

... Petitioners/ Intervenor
in CRL MP(MD). 4603/ 2021



1. Thameem Ansari
2. Birose Begam
3. T.Hameem Sameera Parveen
4. J.Javith
- 5.T.Harish

(6th Petitioner is represented by his father
and natural guardian, the 1st petitioner herein)

6. Kamuludeen
7. Jarina
8. K.Gulam Nabi Azad
9. Saliya
- 10.Ashika Fathima
- 11.Mallika Fathima

... Petitioners/ Intervenors
in CRL MP(MD). 4605/ 2021

1. Nabeesha
2. Rahamathulla Khan
3. Nafees Fathima
4. Nabees Mohamed
5. Umar Salmal
6. Meera Maideen
7. Sahubar Ali

... Petitioners/ Intervenors
in CRL MP(MD). 4607/ 2021

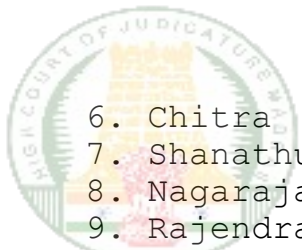
1. G.Ganesan
2. G.Meenakshi
3. Kannan
4. R.Najeema
5. G.Murugesan
6. Kannamani
7. Manikandan
8. M.Subburaj
9. K.M.Lakshmi Priya
- 10.K.Shanmuga Priya

... Petitioners/ Intervenors
in CRL MP(MD). 4608/ 2021

1. A.Paramasivam
2. P.Muthulakshmi
3. Malar Selvi
4. R.Amutha
5. P.Ramanathan
6. S.Seeth Kani
7. Lavanya
8. Thirumalaisubbu
- 9.Murugeswari

... Petitioners/ Intervenors
in CRL MP(MD). 4610/ 2021

1. B.Ananda Padmanaban
2. P.Thirumalaichamy
3. Veerathilagam
4. Sathiyabama



6. Chitra
7. Shanathul Firthous
8. Nagarajan
9. Rajendran
10. Iyappan
11. Basire Begam

... Petitioners/ Intervenors
in CRL MP (MD). 4612/ 2021

1. Mariyappan
2. Sathiya
3. S.Lakshmi
4. V.Palanichamy
5. M.Syed Abuthaheer
6. Selvi
7. Ajima Jasmine
8. Sheik Abdul Kather Jailani
9. Barakathnisha
10. S.Muthu
11. A.Selvam
12. Kaathun Beevi
13. Jannathammal

... Petitioners/ Intervenors
in CRL MP (MD). 4613/ 2021

For Petitioners: Mr.D.Malaichamy, Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

For Intervenors: Mr.R.Balakrishnan, Advocate

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

PRAYER :- For Anticipatory Bail in Crime No.2 of 2020 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/A.5, A.7, A.8 and A.9, apprehending arrest at the hands of the respondent police for the alleged offence punishable under sections 406, 420, 120(B) I.P.C., and Section 5 of TNPID Act in Cr.No.2 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is a resident of Tiruppur. He came to know about Udaya Finance, Udhaya Nila Chit Private Limited and Udhaya Thamarai Small Savings run by K.Ajeeskan and S.Jamaludeen in partnership with other accused. They offered small savings schemes, deposits and chits for savings and investment. They also offered good profit. The defacto complainant visited and saw these concerns were run by the accused 4 to 12 and A.13 is its accountant. He was informed that Udhaya finance has several schemes for investment. Udhaya Nila Chit Private Limited offers chits of Rs.1,00,000/-, Rs.2,00,000/- Services, Rs.3,00,000/- Services with bonus of 1%. Udhaya Nila Small Savings offers



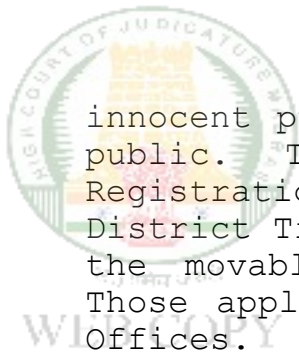
several small savings schemes. If one pays Rs.400/- for 30 months, there will be lot drawn every month and household articles would be offered to 20 persons. Believing their words, the defacto complainant deposited Rs.1,00,000/- in Udayam Finance as Fixed Deposit on 17.01.2020. He was given Fixed Deposit receipt bearing No.284. Then he subscribed to Rs.1,00,000/- chit offered by Udaya Nila Chits Private Limited, wherein a sum of Rs.4000/-, has to be paid for 25 terms. He paid Rs.11,000/- as three months installments. During August 2020, when he visited Udayam Finance, he found that the office was locked. On enquiry, he learnt that Ajeeskhan died on 22.07.2020. When he tried to contact the other partners and family members of Ajeeskhan, they had absconded. Many persons like the defacto complainant had invested money and they were not paid. Using the money invested by the public, the accused had purchased the property in their name and in the names of finance concerns. Therefore, the defacto complainant gave this complaint.

3. The learned Counsel for the petitioners submitted that the petitioners have no connection whatsoever with the aforesaid Udayam Finance group. They are not partners or in any way involved in managing the affairs of the finance group. They have been implicated as accused in this case for the reason that they are close relatives of the deceased Ajeeskhan. Till now the respondent police is not able to collect any material implicating the petitioners with the alleged cheating. The remedy open to the respondent is to proceed the matter under the TANPID Act. Therefore, the petitioners seek anticipatory bail.

4. The learned Counsel for the intervenors strongly opposes these petitions on the ground that the accused had actively involved in the business of these Udaya Finance group in collecting deposits and participating in day-to-day affairs of the concern. Several persons like the defacto complainant have been cheated by the accused. If the petitioners have been granted anticipatory bail, there is no possibility of recovery of money deposited by the innocent public. Therefore, he prays for dismissal of these petitions.

5. The learned Additional Public Prosecutor appearing for the State opposes this petition on the ground that the investigation is not yet completed. He filed a status report.

6. Perusal of the status report shows that K.Ajeeskhan acted as Managing Director and Jamaldeen acted as a Director. Other named accused are unregistered partners in the companies. It is further submitted that the accused persons were involved in day-to-day affairs of three financial institutions, canvassed the public, collected deposits from public. It is now informed that K.Ajeeskhan and Syyed Ammal died. A.4, A.11, A.12 and A.13 were arrested and released on bail. A.5, A.6, A.7, A.8 and A.9 are absconding. It is



innocent public and used it for their personal use and cheated the public. The prosecution has applied to the Director of the State Registration Office, District Registration office, Bank Manager and District Transport Officer for the details regarding the purchase of the movable and immovable properties possessed by the accused. Those applications have been pending with the concerned Government Offices. If the accused have been granted anticipatory bail, they will abscond and escape to foreign countries and tamper the evidence. Therefore, the learned Additional Public Prosecutor prays for dismissal of these petitions.

7. Heard the learned Counsel for the petitioners, the learned Counsel for the intervenors and the learned Additional Public Prosecutor appearing for the State and perused the materials placed on record.

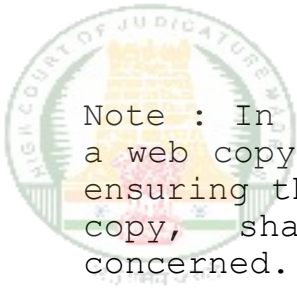
8. A narration of the case of the prosecution and the submissions of the learned Counsel for the petitioners, the learned Counsel for the intervenors and the learned Additional Public Prosecutor appearing for the State show that this is a case of cheating, involving Rs.23,00,00,000/- from several innocent public. Admittedly, the accused 4 to 12 are family members and close relatives. It is alleged that they have actively participated in collecting deposits, inviting subscribers to chits and then, instead of paying the returns and profits to the subscribers/depositors, they used the money for their own purpose for purchasing properties, thus cheated the public.

9. As seen from the status report that the respondent police have taken steps to collect details about the movable and immovable properties acquired by these petitioners. The learned Counsel for A.5 and A.7 have produced certain documents in support of their case. However, the relevancy of those documents for the purpose of this case has to be verified by the respondent. The amount said to have been cheated is Rs.23,00,00,000/- and this amount belongs to innocent, gullible investor. The investigation is not completed. The apprehension raised by the learned Additional Public Prosecutor that there is a possibility of the accused absconding and moving to foreign countries and tampering the evidence has force in it. Therefore, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, these Criminal Original Petitions are dismissed.

sd/-
15/07/2021

/ 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.

WEB COPY

TO

1 THE INSPECTOR OF POLICE,
E.O.W-II, DINDIGUL.

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

+2 CC to M/s.R.BALAKRISHNAN, Advocate SR Nos.4658 and 4659

+1 CC to M/s.D.MALAICHAMY, Advocate (SR-22646[F] dated 15/07/2021)

ORDER IN

CRL OP(MD). Nos.3553 and 4384 of 2021

Date :15/07/2021

SSL

MS/JC/SAR-1/19.07.2021/9P.6C