



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

Wednesday, the First day of September Two Thousand and Twenty One
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL MP(MD) No.3204 of 2021
in
Crl.O.P.(MD)No.12001 of 2020

MENAKA

... PETITIONER/ ACCUSED NO.4

Vs

STATE REP.BY
THE DEPUTY SUPERINTENDENT OF POLICE,
ECONOMIC OFFENCES WING-II, MADURAI.
(CRIME NO.2/2020)

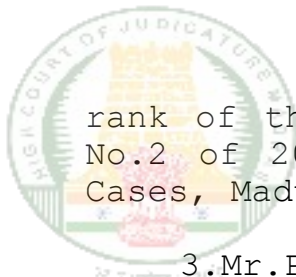
... RESPONDENT/ COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to modify the condition, "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 learned Special Court of TANPID Cases, Madurai," order passed in Crl.O.P.No.12001 of 2020 dated 14.12.2020 in Crime No.02 of 2020 on the file of Respondent.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.S.PRABHAKARAN, Senior Counsel for MR.J.SATHIARAJ, Advocate for the petitioner and of MR.P.KOTTAI CHAMY, Government Advocate(Criminal Side) on behalf of the Respondent, the court made the following order:-

This petition has been filed for modification of the condition imposed by this Court in Crl.O.P(MD)No.12001 of 2020, dated 14.12.2020.

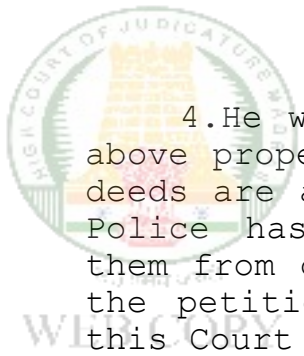
2.The petitioner, who was arrayed as accused No.4 in Crime No.2 of 2020 on the file of the respondent Police approached this Court for grant of anticipatory bail and this Court considering the facts and circumstances of the case, granted anticipatory bail with certain conditions. The main condition is that the petitioner shall deposit the original title deeds standing in the name of the petitioner or her relatives or her friends not less than the value of Rs.15,00,00,000/- (Rupees Fifteen Crores) with the proper valuation certificate issued by the Revenue Officials not below the



rank of the Revenue Divisional Officer to the credit of the crime No.2 of 2020 on the file of the learned Special Court for TNPID Cases, Madurai.

3.Mr.Prabakaran, learned Senior Counsel appearing on behalf of the petitioner's counsel submits that there are totally four accused in this case and the first accused is a company, this petitioner, who is the former Director and the wife of the third accused is also added as accused No.4. The accused 2 and 3 were arrested and released on bail. He also submits that the petitioner furnished the details of the properties belonging to her, her husband and the financial institution as follows:

Sl. No	Description	Value in Rs.
	Properties belonging to A3 and A4	
1	Resort ECR Chennai	3.5 Crore
2	Vacant site Chennai	1 Crore
3	Land Coimbatore	1.3 Crore
4	House Madurai	1.3 Crore
5	Land Salem	35 Lakh
6	House and Land Salem	30 Lakh
7	Malasiya Friend Sirajudeen	1.5 Crore for investment
8	Singapore Friend Ajees	1.5 Lakh for investment
9	Chennai Thousand Lights HDFC Bank	Jewel loan - 26 Lakh
10	Cinema Producer Siva	1.2 Crore
11	Cinema Producer Muruganandam	1 Crore
12	Chennai T-Nagar Green Studio Owner Ghanvel Raja Erode Mahamuni Movie Right	60 Lakh 4 Crore Actor Arya
13	Salemammaiyappan - House - brother in law Sanmugam wife Sujatha name	
	Bank accounts of Neethimani	
	Salem - IOB Salem - Indusind Bank Chennai - KVB, HDFC, Axis	
	Bank Accounts Of Menaga	
	Salem - Axis Chennai - KVB HDFC	



4.He would further submit that the documents pertaining to the above properties were seized by the respondent Police and the title deeds are available with the Sub Registrar, Cheyyur. The respondent Police has communicated the respective Sub-Registrars preventing them from creating any encumbrance in those properties. Therefore, the petitioner could not arrange for the security as directed by this Court in the earlier order dated 14.12.2020.

5.The learned Senior Counsel for the petitioner has also fairly submitted that the similar modification petition was filed by the petitioner before this Court in Crl.M.P(MD)No.468 of 2021 and the same was dismissed by order dated 10.02.2021. Considering the present situation, he advised the parties to settle the issue amicably with the depositors by repaying their deposits with the help of an Advocate Commissioner or a Judge Commissioner as pointed by this Court. He further submits that the petitioner has also filed an affidavit to that effect.

6.Considering the said submission made on behalf of the petitioner, this Court by earlier order dated 12.08.2021 directed the learned Government Advocate (Crl Side) to file a report as to the (i) feasibility of the proposal made on behalf of the petitioner ; (ii) the status of the seized property and whether it has been encroached by any miscreants or not?

7.But no such report is filed before this Court. However, the learned Government Advocate is not having any serious objections for appointment of an Advocate Commissioner or a Judge Commissioner, who shall resolve the issue amicably.

8.Heard the learned Counsel on either side and perused the materials placed on record.

9.The case was registered as against this petitioner and others in Crime No.2 of 2020 on 12.10.2020. The petitioner approached this Court for grant of anticipatory bail on 20.10.2020 and on the undertaking of this petitioner, she was granted anticipatory bail with the above condition by order dated 14.12.2020. The petitioner did not comply with the orders of this Court for the past eight months and approached this Court for modification of the condition by changing the Counsel in Crl.M.P(MD)No.468 of 2021. By recording the attitude of the petitioner, this Court by order dated 10.02.2021 dismissed the earlier petition filed by the petitioner for modification of the condition imposed by by this Court.

10.Now the petitioner has changed the Counsel and filed this application for modification of the condition. The learned Senior Counsel representing the petitioner submits that he has advised the petitioner to settle the issue amicably and on his advice the petitioner has also filed an affidavit before this Court as follows:



"3.I most humbly submit that leaving the veracity of the case during the hearing on 12.08.2021, I have submitted through my counsel that the issue may be sorted out amicably with the help of this Hon'ble Court by appointing an Advocate Commissioner or a Judge Commissioner to look into the grievances of both parties in amicably settling the matter. Though the allegations can be raised against my husband, who is the Director of the company and where I have Nil involvement in the company, I was arrayed as accused No.4 because I am one among the Directors of the Company connected to the Crime.

4.It is most humbly submitted that the depositors and our company shall furnish all the details before the Hon'ble Advocate Commissioner or Judge Commissioner which may be appointed by this Hon'ble Court and the quantum of claims with evidence shall be submitted before the said Commissioner.

5. It is most humbly submitted that myself and my husband is ready and willing to co-operate with one such commissioner to be appointed by this Hon'ble court in order to find an amicable solution to the entire issue. This being the circumstances myself and my husband are ready to co-operate with such commission and extend our fullest co-operation in settling the monetary issue supported by evidences in accordance with law.

In these circumstances, the above statements in the affidavit may be recorded as part and parcel of this present proceedings."

11.According to the respondent Police 586 complaints have been received as against the petitioner and other accused for the alleged cheated amount to the tune of Rs.46 crore. The respondent Police have also attached some of the properties. According to the respondent Police, the Resort in ECR is worth about Rs.3.5 crore, the land in Coimbatore is worth about Rs.1.30 crore, the house at Madurai is worth about Rs.1.30 Crore. The value of the seized properties and the identified properties of the accused is only Rs.5.96 Crore. Whereas, according to the police, the claim of the 586 depositors would be more than Rs.46 crore. Therefore, , the petitioner, who is not in a position to deposit the title deeds as directed by this Court to the tune of Rs. 15 crore, the possibility of settling the issue by returning Rs.46 Crore is far remote and even this Court appoints any Advocate Commissioner or Judge Commissioner, it may not be possible to solve the issue without providing the break-up details as the amount deposited by those 586 depositors.



12. In view of the above, this Court is not inclined to entertain this petition. Accordingly, this petition is dismissed.

sd/-
01/09/2021

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/ /2021

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

TO

- 1 THE SPECIAL JUDGE OF TANPID CASES,
MADURAI.
- 2 THE DEPUTY SUPERINTENDENT OF POLICE,
ECONOMIC OFFENCES WING-II,
MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL MP(MD) No.3204 of 2021 in
Crl.O.P.(MD)No.12001 of 2020
Date :01/09/2021

DSK
MK/VR/SAR.I/06.09.2021/5P/4C