BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.5761 of 2021

Vadivel ... Petitioner/Accused No.5

Vs

State Rep. by
The Inspector of Police,
Economic Offences Wing -II,
Dindigul District.
Crime No.1/2020. ... Respondent/Complainant

For Petitioner : Mr.Balaji.S.,
Advocate.
For Respondent : Mr.K.R.Bharathi Kannan,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No. 1 of 2020 on the f1ile of the respondent Police

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 406, 420, 120(b) I.P.C., and Section 5 of Tamil Nadu Protection of Interest of Depositors Act (TNPID Act), in Crime No. 1 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The allegation against the petitioner is that the first accused is a trust, in which, one Priya represented to the defacto complainant that there are several schemes in Shri Mariamman Trust and also stated that if she joined in the trust, she would get a sum of Rs.1,00,000/- without interest. When the defacto complainant visited the trust, she had seen the trust members namely M.Jeyaraj, S.Anand, A.Ramakrishnan, A.Vadivel and R.Kasiammal, M.Jeyaraj and S.Anand are unregistered trustees and A.Ramakrishnan, A.Vadivel and R.Kasiammal are registered trustees in the trust. There is one more related trust namely Nivetha Educational and Social Service Trust where there are several schemes. The said Priya has stated that there is a scheme for giving Rs.1,00,000/- without interest for which 15 persons should join together and form a group and each should deposit a sum of Rs.6,100/- and after collecting Rs.91,500/- that sum should be paid to the trust and for that amount, a receipt of Rs.5,000/- would be given in the name of trust and Rs.1,100/- would be accounted for registration charge. After payment of Rs.1,00,000/- without interest as loan, that has to be repaid in 36 monthly instalments at the rate of Rs.2,780/- per month. Initially, a sum of Rs.25,000/- would be paid and once it is repaid, a sum of Rs.75,000/- would be paid. Believing her words, the defacto complainant collected 6,100/- each from the group members and paid the same to the above said trust,for which, she was given a receipt for Rs.5000/- in the name of Shri Mariamman Trust signed by Ramakrishnan as trustee. Then a cheque of Rs.3,75,000/- in the name of Nivetha Educational and Social Service Trust was given for distributing among 15 group members at Rs.25,000/-each. When the defacto complainant enquired with the Bank before putting the cheque for collection, she was informed that there is no sufficient amount in the particular account and she was also informed that many persons have approached like this with a cheque. Therefore, this case came to be registered.

3.The learned counsel for the petitioner submitted that the petitioner is only a member in the trust. He is no way involved in the collection of any amount from any one. There is nothing stated in the complaint with regard to his role in collection of the amount. He is falsely implicated in this case. Therefore, he seeks anticipatory bail to the petitioner.

4.In response, the learned Government Advocate (Crl.Side) appearing for the respondent police submitted that not only this defacto complainant, several other persons have been cheated by this petitioner. Totally a sum of Rs.3,29,00,000/- was involved in this case. Investigation is not completed. He has also submitted that this petitioner is the main person in the trust. In fact, he is the founder trustee of the trust and he is behind the activities of the trust. Therefore, he opposes to grant anticipatory bail to this petitioner.

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

6.It is seen from the First Information Report that the petitioner is a registered trustee of Shri Mariamman Trust. It is alleged that there are 153 persons were cheated to the tune of Rs.3,29,00,000/-. Investigation in this case is in initial stage. Petitioner is the prime accused in this case. Therefore, this Court is not inclined to grant anticipatory bail to the petitioner.

7.According, this Criminal Original Petition is dismissed.

sd/-
22/04/2021

/ 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 -II,
DINDIGUL DISTRICT.

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

ORDER
IN
CRL OP(MD) No.5761 of 2021
Date :22/04/2021

msa
JM/VR/SAR I/04.05.2021/3P/3C