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

Date : 11/06/2021

PRESENT
The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.7219 of 2021

Vadivel ... Petitioner/Accused No.5

Vs

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

For Petitioner : Mr.S.Balaji,
Advocate.
For Respondent : Mr.M.MUTHUMANIKKAM,
Counsel for Government of Tamil Nadu(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 file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A5, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 and 120(B) of IPC 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 de-facto 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 de-facto 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 informed 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 and the co-accused has already been released on bail and therefore, he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police strongly opposed this petition on the ground that the petitioner is also one of the Trustee and the main accused in this case. The amount involved in cheating, in this case, is Rs.3,29,00,000/-. Totally 153 persons were cheated. Investigation is not completed, because all the persons who lost the money, have to be examined. Therefore, he prays for dismissal of this petition.

5.This is a case of economic offence in the name of collecting money from the innocent public for the individual profit of persons, who are allegedly the Trustees. In economic offence cases, the grant of anticipatory bail is not automatic. Merely because the co-accused had been arrested and already released on bail, this petitioner is not automatically entitled for anticipatory bail. Several persons have been cheated to the extent of Rs.3,29,00,000/-. The petitioner is said to be one of the registered Trustee and the prime accused in this case. Therefore, this Court is not inclined to grant anticipatory bail to the petitioner. Since the dismissal of the earlier bail petition on 22.04.2021, there is no change of circumstances and the investigation in this case is pending.

6.In this view of the matter, the Criminal Original Petition is dismissed.

sd/-
11/06/2021

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/ /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.7219 of 2021
Date :11/06/2021

sji
PK/PN/SAR-IV/18.06.2021 : 3P/3C