



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 04/10/2021
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . Nos.10336 and 10919 of 2021

Rajkumar ... Petitioner/Accused No.4 in Crl.O.P.No.10336 of 2021

Ramesh ... Petitioner/Accused No.3 in Crl.O.P.No.10919 of 2021

Vs

The State rep.by,
The Inspector of Police,
Economic and Offence Wing,
Trichy District.
In Crime No.2 of 2021.

... Respondent/Complainant
in both the petitions

For Petitioner : Mr.AN.Ramanathan,
Advocate (In Crl.OP.No.10336/2021)
For Petitioner : Mr.A.Joel Paul Antony,
Advocate(In Crl.OP.No.10919/2021)
For Respondent : Mr.T.Senthilkumar
Additional Public Prosecutor
(In both the petitions)
For Intervenor : Mr.T.Lenin Kumar
Advocate. (In both the petitions)

PETITIONS FOR BAIL AND ANTICIPATORY BAIL Under Sec.439 & 438 of Cr.P.C.

PRAYER :-For Bail and Anticipatory Bail in Crime No.2 of 2021 on the file of the respondent police.

COMMON ORDER : The Court made the following order :-

The petitioner/A4 who was arrested on 09.07.2021, for the offence punishable under Sections 406, 420 and 120(b) I.P.C r/w Section 5 of Tamil Nadu Protection of Interest of Depositors (In Financial Establishment)Act, 1997 in Crime No.2 of 2021 on the file of the respondent police, seeks bail.

2. The petitioner/A3, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 420 and 120(b) I.P.C r/w Section 5 of Tamil Nadu Protection of Interest of Depositors (In Financial Establishment)Act,1997 in Crime No.2 of 2021 on the file of the respondent police, seeks anticipatory bail.



3.The case of the prosecution is that by inducing the defacto complainant and others, the petitioners and other accused have collected huge amount from the public with an assurance that within 60 days, they would repay double the amount deposited by them. They have also issued the receipts in the name of Apex Capital Solution and cheated them. Hence, the complaint.

4.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution.

5.The learned Counsel appearing for the defacto complainant has enclosed the receipts issued by the accused nos.1 and 2 and submitted that they are running the Company in the name and style of Apex Capital Solution, Chinthamani Bazar, Trichy and have received money from various persons including the defacto complainant with an assurance that the payment made by depositors would be payable in 30 days and receipts were also issued for the same.

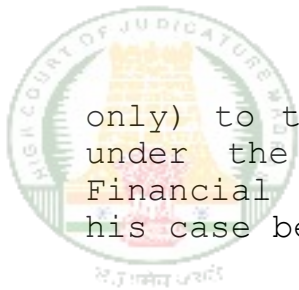
6.In the earlier occasion, the learned counsel for the petitioners submitted that the accused persons have collected money and the same was invested in the share market and they were ready to co-operate with the investigation. Considering the submission made on behalf of the petitioners, this Court by order dated 06.09.2021, granted interim bail and interim anticipatory bail to the petitioners enabling them to appear before the respondent and co-operate with the investigation.

7.The learned Additional Public Prosecutor appearing for the respondent police, on instructions, would submit that though these petitioners have availed interim relief from this Court, they did not co-operate with the enquiry.

8.Considering the nature of offence committed by the petitioner/A3 and the non co-operation with the investigating agency, this Court is not inclined to grant anticipatory bail to the petitioner/A3. Accordingly, the Criminal Original Petition in Crl.OP (MD).No.10919 of 2021 is dismissed as against the petitioner/A3.

9.Insofar as Crl.OP(MD).No.10336 of 2021 is concerned, the allegation as against the petitioner/A4 is that he has recommended few people to accused nos. 1 and 2 and also facilitated the commission of offence. According to the learned Additional Public Prosecutor, the petitioner/A4 is responsible for the deposited amount of Rs.18/- lakhs.

10.At this juncture, the learned counsel for the petitioner would submit that the petitioner is no way connected with the administration of the said Company. However, to show his bona fide, he is ready to deposit a sum of Rs.5,00,000/- (Rupees five lakhs



only) to the credit of Crime No.2 of 2021 before the Special Court under the Tamil Nadu Protection of Interest of Depositors (In Financial Establishment) Act, 1997, Madurai, without prejudice to his case before the trial Court.

11. Considering the submission made by the learned counsel for the petitioner in Crl.OP(MD).No.10336 of 2021, this Court is inclined to grant bail to the petitioner/A4. Accordingly, the Criminal Original Petition is allowed. Since the petitioner/A4 has already been released on interim bail, the execution of bond is not necessary. However, the following conditions are imposed which shall be followed by the petitioner.

[a] the petitioner/A4 shall deposit a sum of Rs.5,00,000/- (Rupees five lakhs only) to the credit of Crime No.2 of 2021 before the Special Court under the Tamil Nadu Protection of Interest of Depositors (In Financial Establishment) Act, 1997, Madurai, within a period of two weeks from the date of receipt of a copy of this order, without prejudice to his case before the trial Court.

(b) the petitioner shall appear before the respondent police daily at 10.30 a.m until further orders and co-operate with the investigation.

[c] the petitioner shall not abscond either during the investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during the investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners have been released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

04/10/2021

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

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 SPECIAL COURT UNDER THE TAMIL NADU
PROTECTION OF INTEREST OF DEPOSITORS
(IN FINANCIAL ESTABLISHMENT) ACT 1997,
MADURAI

2 THE INSPECTOR OF POLICE
ECONOMIC AND OFFENCE WING,
TRICHY DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, MELUR, MADURAI DISTRICT.

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

+1 CC to Mr.AN.RAMANATHAN, Advocate (SR-6855[I] dated 04/10/2021)

ORDER

IN

CRL OP (MD) No.10336 and 10919 of 2021

Date : 04/10/2021

MSA

MK/SKN/SAR.I/05.10.2021/4P/6C