



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

Dated : 27.09.2021

PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). Nos.11349, 13360, 11439 of 2021

S.Hariharan ... Petitioner/ 5th Accused
in Crl.OP(MD)11349/2021

B.Sree Viswa ... Petitioner/ 4th Accused
(Wrongly Mentioned in the in Crl(MD)OP.13360/2021
F.I.R as Visva)

1.M.Balamurugan
(In F.I.R. wrongly mentioned as
Muhi Balamurugan)

2.G.Indra Banumathy ... Petitioners/ Accused No.2 & 3
in Crl.OP(MD)11439/2021

Vs

State Rep. by
The Inspector of Police,
Economic Offence Wing,
Madurai District.
Crime No.3 of 2021 ... Respondent in all Crl.OPs

For Petitioner : Mr.A.Sivasubramanian
in Crl.OP(MD)11349/2021

For Petitioner : Mr.S.Mahendrapathy
in Crl.OP(MD)13360/2021

For Petitioners : Mr.N.Tamilmani, Advocate for
Mr.N.Ilango, Advocate
in Crl.OP(MD)11439/2021

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor in all Crl.OPs

PETITIONS FOR BAIL AND ANTICIPATORY BAIL Under Secs.439 and 438
of Cr.P.C.

COMMON PRAYER in Crl.OP.11349 & 13360 of 2021 :-

For Anticipatory Bail in Crime No.3 of 2021 on the file of the
respondent.

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



PRAYER in CrI.OP.11439 of 2021 :-

For Bail in Crime No.3 of 2021 on the file of the respondent.

COMMON ORDER : The Court made the following order :-

The Economic Offence Wing, Madurai, has received a complaint that the petitioners are running a Finance Company in the name and style of BharathaMatha Finance Company at Bethaniyapuram, Madurai. The defacto complainant joined the Binary plan in the said company by paying a membership fee of Rs.700/-. She has introduced as many as 1370 subscribers by paying a sum of Rs.9,59,000/-. When she approached the petitioners and asked for the return of the money, the petitioners, without returning the money, has threatened her with dire consequences and has cheated her.

2.On receipt of the complaint, the Economic Offence Wing, Madurai, has registered a case in Crime No.3 of 2021 for the offence punishable under Sections 420, 406, 120(b) IPC and Section 5 of the Tamil Nadu Protection of Interest of Depositors (In Financial Establishment) Act, 1997 (in short TNPID Act), as against the Company [A1]; petitioners in CrI.OP(MD)No.11439 of 2021 / Balamurugan [A2], Indra Banumathy [A3]; petitioner in CrI.OP(MD) No.13360 of 2021 / Sree Viswa [A4]; and petitioner in CrI.OP(MD) No.11349 of 2021 / Hariharan [A5].

3.The petitioners in CrI.OP(MD)No.11439 of 2021 / accused nos.2 & 3 were arrested by the respondent police and therefore, they are before this Court seeking bail. The petitioners in CrI.OP(MD) Nos.13360 & 11349 of 2021 / the accused nos.4 & 5 are apprehending arrest at the hands of the respondent police and therefore, they are before this Court seeking anticipatory bail.

4.For the sake of convenience and clarity, the parties are being referred to as per their rank in the FIR.

5.Learned Counsel appearing for the petitioners, in unison, submitted that the petitioners are innocents and have not committed any offence as alleged by the prosecution. The third accused is the wife of the second accused and the fourth accused is their son. The fifth accused is an employee of the finance company [A1].

6.Learned Counsel for the fourth accused submitted that the fourth accused is studying B.E., (Information Technology - 4th Year) in Kalasalingam Institute of Technology, Srivilliputhur and is not having any knowledge as to the business of his father.

7.After some arguments, the learned Counsel appearing for the accused nos.2 & 3 submitted that they are ready to settle the issue amicably and also prepared to deposit a sum of Rs.15 Lakh to show their *bona fide*. Similarly, the learned Counsel appearing for the fifth accused submitted that the fifth accused is also prepared to



deposit a sum of Rs.1 Lakh to show his *bona fide*.

8. In view of the aforesaid submission made by the accused nos.2, 3 & 5, this Court vide order dated 23.08.2021, granted interim protection to them and directed the accused nos.2 & 3 to deposit a sum of Rs.15 Lakh and the fifth accused to deposit a sum of Rs.1 Lakh to the credit of Cr.No.3 of 2021 before the Special Court under the TNPID Act Cases, Madurai. They were also directed to appear before the respondent police and co-operate with the investigation.

9. Today, it is represented that the conditional order passed by this Court has been complied with and the accused nos.2 & 3 have deposited a sum of Rs.15 Lakh and the fifth accused has deposited a sum of Rs.1 Lakh to the credit of Cr.No.3 of 2021 before the Special Court under the TNPID Act Cases, Madurai.

10. Learned Counsel for the accused nos.2 & 3 further submitted that they are having sufficient properties and are ready to settle the issue amicably, by settling the amount. However, their efforts to settle the issue ended in vein, in view of the interference of one Gowry, who is threatening them to extract more money. Therefore, the learned Counsel for the accused nos.2 & 3 prayed this Court to appoint a Committee headed by a retired Judge of this Court. An affidavit in this regard was also filed before this Court.

11. In view of the aforesaid submission and the *bona fide* efforts shown by the accused nos.2, 3 & 5 by depositing certain amount to the credit of the crime number before the Special Court, this Court is inclined to pass the following order:

1) A Committee is formed under the chairmanship of Hon'ble Thiru Justice D.HARIPARANTHAMAN, retired Judge of this Court.

2) The petitioners, as agreed, shall deposit a sum of Rs.5,00,000/- to the credit of these criminal original petitions before the Registry of this Court, forthwith, to meet the remuneration charges and other incidental charges of the Committee.

3) The Chairman of the Committee shall appoint an Advocate of his choice to assist him, apart from required secretarial staff for assistance.

4) A dedicated mobile number and an e-mail ID shall be opened exclusively for the Committee.

5) A savings bank account shall be opened in the name of the Committee at any Nationalized Bank [hereinafter referred to as 'Committee account'] and the Chairman of the



Committee is authorised to manage the account. Once such an account is opened, the sum of Rs.5,00,000/- deposited by the petitioners to the credit of these Criminal Original Petitions shall be transferred by the Registry to the Committee account, upon a letter / memo being given by the Committee. The Committee shall utilize this amount to meet their remuneration and other incidental expenses. The remuneration to the Chairman is fixed as Rs.1,50,000/- per month and the remuneration to the Advocate is fixed as Rs.50,000/- per month.

6) If the Committee is in short of any funds to meet the remuneration and other incidental expenses, they shall utilize the amount deposited by the accused nos.2, 3 & 5 to the credit of Cr.No.3 of 2021 before the Special Court under the TNPID Act Cases, Madurai, in such regard.

Petitioners:

7) The petitioners are directed to disclose the details of all the subscribers / customers / depositors, etc., to the Committee.

8) The petitioners are also directed to furnish the details of the properties, assets, bank balance, deposits, etc., standing in their names and in the names of their family members to the Committee.

9) The petitioners / accused, more particularly, the accused nos.2 & 3 are to effect paper publication in two leading Tamil and English Daily about the proceedings before the Committee. The paper publication has to be vetted by the Committee.

10) The petitioners are directed to appear before the Committee once in a month, ie., in the first week of every month.

Investigating Agency:

11) The investigating agency is directed to furnish the list of subscribers / customers / depositors; property details and bank accounts of the accused, their family members and staff, along with other particulars collected by them to the Committee.

12) The investigating agency is also directed to keep on updating the Committee about the investigation and subscribers list, periodically.

13) The investigating officer is directed to appear before the Committee as and when the Committee so directs.

<https://hcservices.tn.hcourtsgov.in/hcservices/InvestigatingOfficer> Investigating officer is not in a position to appear



before the Committee on any such date, a responsible officer having knowledge on the case be deputed to assist the Committee.

Defacto complainant:

14) The defacto complainant is also at liberty to submit the details of the subscribers / customers / depositors as well as the properties and bank balances of the accused before the Committee.

General Directions:

15) The Committee, after collecting the particulars from all quarters, is to identify the subscribers / customers / depositors and after due verification of their identification and genuineness of the documents, derive the amount of disbursement to each subscribers / customers / depositors.

16) The Committee is also permitted to identify the properties standing in the name of the accused-company, the petitioners, their family members and staff, through such modes as they deem fit.

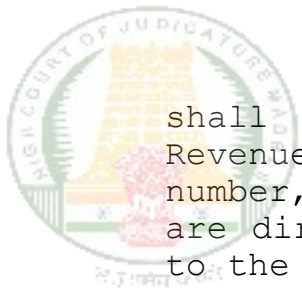
17) The amount of disbursement to each subscriber / customer / depositor, as arrived by the Committee, shall be settled by the accused nos.2 & 3.

18) In the case of any default or shortage of funds, the Committee shall utilize the balance amount lying before the Special Court under the TNPID Act Cases, Madurai in the credit of Cr.No.3 of 2021, in such regard.

19) If the funds available in the credit of Cr.No.3 of 2021 are not sufficient, the Committee is permitted to sell the properties standing in the name of the accused-company, the petitioners, their family members and staff, in the open market either by private negotiation or public tender for more consideration, as they deem fit, which amount shall be utilized to settle the subscribers / customers / depositors.

20) The jurisdictional District Revenue Officers and Superintendents of Police / Commissioners of Police concerned are directed to provide all necessary assistance to the Committee for visiting the properties of the accused and in the course of their sale.

21) Since the District Revenue Officer is the competent authority and custodian of the properties attached as per the TNPID Act, the accused shall give authorisation to the jurisdictional District Revenue Officers to sell the properties on their behalf. The Sub-Registrars concerned



shall register the documents submitted by the District Revenue Officers regarding the properties of the above crime number, without raising any queries. The District Registrars are directed to issue necessary instructions in this regard to the Sub-Registrars concerned.

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22) The Special Court under the TNPID Cases, Madurai, is directed to release the funds lying before it in the credit of Cr.No.3 of 2021, as and when they receive any letter / memo / communication from the Committee in such regard, within a period of three days from the date of receipt of such letter / memo / communication.

23) The Committee is expected to complete the entire proceedings as expeditiously as possible, preferably, within a period of three months from the date of formation.

12. Subject to the aforesaid terms of reference, this Court is inclined to grant the relief of bail and anticipatory bail to the petitioners. For any clarification / modification of the aforesaid terms of reference, it is open to the parties concerned to approach this Court. It is made clear that in the event of any non-compliance of the aforesaid terms on the part of the petitioners, the bail / anticipatory bail granted would be cancelled and the Committee is at liberty to bring to the notice of this Court about any such non-compliance.

13. Accordingly, bail is granted to the petitioners in Cr1.OP (MD) No.11439 of 2021 / accused nos.2 & 3. They were already granted interim bail and were directed to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with one Government Servant surety each, which, they have also complied with. Therefore, the petitioners in Cr1.OP(MD) No.11439 of 2021 / accused nos.2 & 3 are directed to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each, for a like sum to the satisfaction of the learned Judge, TNPID Court, Madurai.

14. Similarly, anticipatory bail is granted to the petitioner in Cr1.OP(MD) No.13360 of 2021 / fourth accused and the petitioner in Cr1.OP(MD) No.11349 of 2021 / fifth accused. They are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judge, TNPID Court, Madurai, on condition that they shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judge concerned.

15. Apart from the above, the following conditions are also



[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Judge may obtain a copy of their Aadhar card or bank pass book to ensure their identity;

[b] the accused nos.2 & 3 shall appear before the respondent police on every Monday at 10.30 am., and the accused nos.4 & 5 shall appear before the respondent police as and when required for interrogation, until further orders;

[c] the petitioners / accused shall not tamper with the evidence or witness either during the investigation or trial.

[d] the petitioners / accused shall not abscond either during the investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Judge/Trial Court is entitled to take appropriate action against the petitioners / accused in accordance with law as if the conditions have been imposed and they have been released on bail by the learned Judge/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 / petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

22. In the result, all the criminal original petitions are allowed in the above terms.

Post the matters in the second week of November, 2021.

sd/-

27/09/2021

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/ /2021

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

TO

1 THE JUDGE,
SPECIAL COURT UNDER THE TNPID CASES,
MADURAI.

2 THE OFFICER INCHARGE, SUB JAIL,
VIRUDHUNAGAR.

3 THE OFFICER INCHARGE, SUB JAIL,

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



4 THE INSPECTOR OF POLICE,
ECONOMIC OFFENCE WING,
MADURAI DISTRICT.

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

COPY TO:

1 THE HON'BLE THIRU JUSTICE D.HARIPARANTHAMAN,
RETIRED JUDGE, (COMMITTEE)
MADRAS HIGH COURT.

2 THE REGISTRAR(JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

3 THE SECTION OFFICER, ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

1.THE DISTRICT REVENUE OFFICER, CHENNAI.

2.THE DISTRICT REVENUE OFFICER,TIRUVALLUR.

3.THE DISTRICT REVENUE OFFICER,KANCHEEPURAM.

4.THE DISTRICT REVENUE OFFICER,CHENGALPATTU.

5.THE DISTRICT REVENUE OFFICER,VELLORE.

6.THE DISTRICT REVENUE OFFICER,TIRUPATHUR.

7.THE DISTRICT REVENUE OFFICER,RANIPET.

8.THE DISTRICT REVENUE OFFICER,TIRUVANNAMALAI.

9.THE DISTRICT REVENUE OFFICER,VILLUPURAM.

10.THE DISTRICT REVENUE OFFICER,KALLAKURICHI.

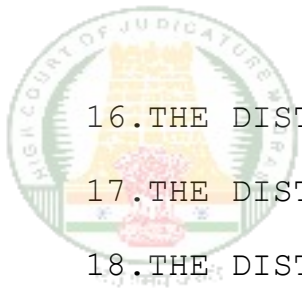
11.THE DISTRICT REVENUE OFFICER,CUDDALORE.

12.THE DISTRICT REVENUE OFFICER,DHARMAPURI.

13.THE DISTRICT REVENUE OFFICER,KRISHNAGIRI.

14.THE DISTRICT REVENUE OFFICER,SELAM.

<https://hcservices.mca.gov.in/hcservices/>
15.THE DISTRICT REVENUE OFFICER,NAMAKKAL.



16. THE DISTRICT REVENUE OFFICER, COIMBATORE.

17. THE DISTRICT REVENUE OFFICER, TIRUPPUR.

18. THE DISTRICT REVENUE OFFICER, ERODE.

19. THE DISTRICT REVENUE OFFICER, THE NILGIRIS.

20. THE DISTRICT REVENUE OFFICER, THANJAVUR.

21. THE DISTRICT REVENUE OFFICER, TIRUVARUR.

22. THE DISTRICT REVENUE OFFICER, NAGAIKOTTAI.

23. THE DISTRICT REVENUE OFFICER, MAYILADUTHURAI.

24. THE DISTRICT REVENUE OFFICER, TIRUCHY.

25. THE DISTRICT REVENUE OFFICER, ARIYALUR.

26. THE DISTRICT REVENUE OFFICER, PERAMBALUR.

27. THE DISTRICT REVENUE OFFICER, KARUR.

28. THE DISTRICT REVENUE OFFICER, PUDUKKOTTAI.

29. THE DISTRICT REVENUE OFFICER, SIVAGANGAI.

30. THE DISTRICT REVENUE OFFICER, RANATHAPURAM.

31. THE DISTRICT REVENUE OFFICER, MADURAI.

32. THE DISTRICT REVENUE OFFICER, DINDIGUL.

33. THE DISTRICT REVENUE OFFICER, THENI.

34. THE DISTRICT REVENUE OFFICER, VIRUDHUNAGAR.

35. THE DISTRICT REVENUE OFFICER, TIRUNELVELI.

36. THE DISTRICT REVENUE OFFICER, THOOTHUKUDI.

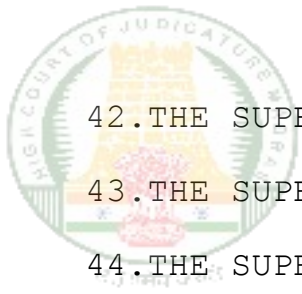
37. THE DISTRICT REVENUE OFFICER, THENKASI.

38. THE DISTRICT REVENUE OFFICER, KANYAKUMARI AT NAGERKOIL.

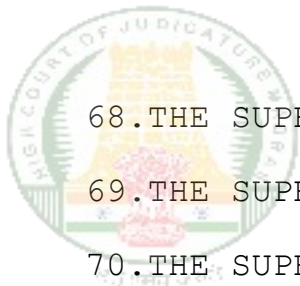
39. THE SUPERINTENDENT OF POLICE, TIRUVALLUR.

40. THE SUPERINTENDENT OF POLICE, KANCHEEPURAM.

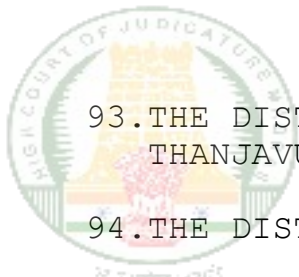
41. THE SUPERINTENDENT OF POLICE, CHENGALPATTU.



42. THE SUPERINTENDENT OF POLICE, VELLORE.
43. THE SUPERINTENDENT OF POLICE, TIRUPATHUR.
44. THE SUPERINTENDENT OF POLICE, RANIPET.
45. THE SUPERINTENDENT OF POLICE, TIRUVANNAMALAI.
46. THE SUPERINTENDENT OF POLICE, VILLUPURAM.
47. THE SUPERINTENDENT OF POLICE, KALLAKURICHI.
48. THE SUPERINTENDENT OF POLICE, CUDDALORE.
49. THE SUPERINTENDENT OF POLICE, DHARMAPURI.
50. THE SUPERINTENDENT OF POLICE, KRISHNAGIRI.
51. THE SUPERINTENDENT OF POLICE, SELAM.
52. THE SUPERINTENDENT OF POLICE, NAMAKKAL.
53. THE SUPERINTENDENT OF POLICE, COIMBATORE.
54. THE SUPERINTENDENT OF POLICE, TIRUPPUR.
55. THE SUPERINTENDENT OF POLICE, ERODE.
56. THE SUPERINTENDENT OF POLICE, THE NILGIRIS.
57. THE SUPERINTENDENT OF POLICE, THANJAVUR.
58. THE SUPERINTENDENT OF POLICE, TIRUVARUR.
59. THE SUPERINTENDENT OF POLICE, NAGAI PATTANAM.
60. THE SUPERINTENDENT OF POLICE, MAYILADUTHURAI.
61. THE SUPERINTENDENT OF POLICE, TIRUCHY.
62. THE SUPERINTENDENT OF POLICE, ARIYALUR.
63. THE SUPERINTENDENT OF POLICE, PERAMBALUR.
64. THE SUPERINTENDENT OF POLICE, KARUR.
65. THE SUPERINTENDENT OF POLICE, PUDUKKOTTAI.
66. THE SUPERINTENDENT OF POLICE, SIVAGANGAI.
67. THE SUPERINTENDENT OF POLICE, RAMANATHAPURAM.



68. THE SUPERINTENDENT OF POLICE, MADURAI.
69. THE SUPERINTENDENT OF POLICE, DINDIGUL.
70. THE SUPERINTENDENT OF POLICE, THENI.
71. THE SUPERINTENDENT OF POLICE, VIRUDHUNAGAR.
72. THE SUPERINTENDENT OF POLICE, TIRUNELVELI.
73. THE SUPERINTENDENT OF POLICE, THOOTHUKUDI.
74. THE SUPERINTENDENT OF POLICE, THENKASI.
75. THE SUPERINTENDENT OF POLICE, KANYAKUMARI AT NAGERKOIL.
76. THE DISTRICT REGISTRAR, CHENNAI NORTH,
77. THE DISTRICT REGISTRAR, CHENNAI SOUTH.
78. THE DISTRICT REGISTRAR, CHENNAI CENTRAL.
79. THE DISTRICT REGISTRAR, PERIYAKULAM,
THENI DISTRICT.
80. THE DISTRICT REGISTRAR, KANCHEEPURAM.
81. THE DISTRICT REGISTRAR, CHENGALPATTU.
82. THE DISTRICT REGISTRAR, SELAM EAST.
83. THE DISTRICT REGISTRAR, SELAM WEST.
84. THE DISTRICT REGISTRAR, DHARMAPURI.
85. THE DISTRICT REGISTRAR, KRISHNAGIRI.
86. THE DISTRICT REGISTRAR, NAMAKKAL.
87. THE DISTRICT REGISTRAR, COIMBATORE.
88. THE DISTRICT REGISTRAR, ERODE.
89. THE DISTRICT REGISTRAR, GOPICHETTIPALAYAM,
ERODE DISTRICT.
90. THE DISTRICT REGISTRAR, UTHAGAMANDALAM.
91. THE DISTRICT REGISTRAR, TIRUPPUR.
92. THE DISTRICT REGISTRAR, THANJAVUR.



93.THE DISTRICT REGISTRAR,KUMBAKONAM,
THANJAVUR DISTRICT.

94.THE DISTRICT REGISTRAR,NAGAI Pattanam.

95.THE DISTRICT REGISTRAR,MAYILADUTHURAI

96.THE DISTRICT REGISTRAR,TIRUCHY.

97.THE DISTRICT REGISTRAR,ARIYALUR.

98.THE DISTRICT REGISTRAR,VIRUDHUNAGAR.

99.THE DISTRICT REGISTRAR,KARUR.

100.THE DISTRICT REGISTRAR,PUDUKKOTTAI.

101.THE DISTRICT REGISTRAR,SIVAGANGAI.

102.THE DISTRICT REGISTRAR,KARAIKUDI,
SIVAGANGAI DISTRICT.

103.THE DISTRICT REGISTRAR, RAMANATHAPURAM.

104.THE DISTRICT REGISTRAR,TIRUNELVELI.

105.THE DISTRICT REGISTRAR,PALAYAMKOTAI,
TIRUNELVELI DISTRICT.

106.THE DISTRICT REGISTRAR,THENKASI.

107.THE DISTRICT REGISTRAR,KANYAKUMARI.

108.THE DISTRICT REGISTRAR,MARTHANDAM,
KANYAKUMARI DISTRICT.

109.THE DISTRICT REGISTRAR,THOOTHUKUDI.

110.THE DISTRICT REGISTRAR,CUDDALORE.

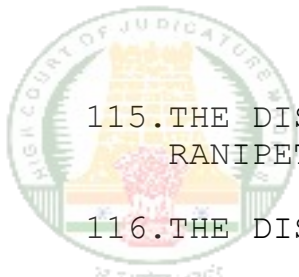
111.THE DISTRICT REGISTRAR,CHIDAMBARAM,
CUDDALORE DISTRICT.

112.THE DISTRICT REGISTRAR,VIRUDHACHALAM,
CUDDALORE DISTRICT.

113.THE DISTRICT REGISTRAR, TINDIVANAM,
VILLUPURAM DISTRICT.

114.THE DISTRICT REGISTRAR, VELLORE.

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115.THE DISTRICT REGISTRAR, ARAKONNAM,
RANIPET DISTRICT.

116.THE DISTRICT REGISTRAR, TIRUVANNAMALAI.

117.THE DISTRICT REGISTRAR, CHEYYAR,
TIRUVANNAMALAI DISTRICT.

118.THE DISTRICT REGISTRAR,MADURAI NORTH.

119.THE DISTRICT REGISTRAR,MADURAI SOUTH.

120.THE DISTRICT REGISTRAR,DINDIGUL.

121.THE DISTRICT REGISTRAR,PALANI,
DINDIGUL DISTRICT.

122.THE COMMISSIONER OF POLICE,CHENNAI.

123.THE COMMISSIONER OF POLICE,SALEM.

124.THE COMMISSIONER OF POLICE,COIMBATORE.

125.THE COMMISSIONER OF POLICE, TIRUPPUR.

126.THE COMMISSIONER OF POLICE,TIRUCHY.

127.THE COMMISSIONER OF POLICE,MADURAI.

128.THE COMMISSIONER OF POLICE,TIRUNELVELI.

ORDER IN

CRL OP(MD).Nos.11349, 13360, 11439 of 2021

Date :27/09/2021

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MS/PN/SAR-2/30.09.2021/13P.137C