BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 21/12/2021

PRESENT

The Hon'ble Mr.Justice G.ILANGOVAN

Crl.OP(MD)Nos.12093 and 18803 of 2021

1.Masudhammal
2.Kamila Banu ... Petitioners/Accused 5 and 7
(in Crl.OP(MD)No.12093 of 2021)

1.Femina Banu
2.Sheik Abdul Kadar ... Petitioners/Accused No.8 & 9
(in Crl.OP(MD)No.18803 of 2021)

Vs.

State of Tamil Nadu,
rep. By its Inspector of Police,
Economic Offences Wing-II,
Dindigul,
Dindigul District.
(In Crime No.2 of 2020) ... Respondent/Complainant
(in both the Petitions))

For Petitioners : M/s.Rupert J.Barnabas, Advocate
(in Crl.OP(MD)No.12093 of 2021)

M/s.B.Mohan, Advocate
(in Crl.OP(MD)No.18803 of 2021)

For Respondent : M/s.S.S.Madhavan
Government Advocate Criminal side)
(in both the Petitions)

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

PRAYER :-

For Anticipatory Bail in Crime No.2 of 2020 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 406, 420, 120(B) IPC and Section 5 of TNPID Act, in Crime No.2 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that one K.Ajeeskan and S.Jamaludden were running a business in the name of Udaya Finance, Udhaya Nila Chit Private Limited and Udhaya Thamarai Small Savings scheme. They invited deposits in small savings. They also agreed to give good profit. So believing the words of A4 to A13 and its Accountant, the de-facto complainant invested various amounts in the above said schemes as detailed in the compliant. During 2020, he found that the Udhaya Finance was found locked. On enquiry, he came to know that the above said K.Ajeeskhan died, on 20/07.2020. The other family members have also absconding. Like so many persons were cheated by the accused. A1 is the wife of the said K.Ajeeskhan and A2 is the daughter of the said person namely K.Ajeeskhan and these people no way connected in the above said transaction and running of the company. The company was registered under the Companies Act and these persons are unnamed Directors. Based upon the above said complaint, the case has been registered.

3.According to the learned counsel appearing for the petitioners, these petitioners are no way involved in the above said transaction and running of the company and with vague allegation these petitioners have been roped as accused.

4.Originally the matter was heard on 01/11/2021 and during the course of above said argument, it was found that the anticipatory bail petition filed by the petitioners in Crl.OP(MD)No.4384 of 2021 was dismissed on 15/07/2021 and these petitions are the second anticipatory bail petition.

5.An elaborate argument has been advanced on the side of the petitioners as well as the on the side of the prosecution. After going through the entire records and after hearing both sides, this court of the opinion that it was found that during the course of investigation, the bank accounts of the petitioners have been collected. On perusal, it was found that several crores of rupees transactions were found. More than 27 crores involved in the issue. Finding that such a huge amount has been transacted in the account, this court was not inclined to grant anticipatory bail to the petitioners therein. But however finding that the petitioners are only co-sharers, interim anticipatory bail was granted only for the period of four weeks and within time, they were directed to appear before the respondent police and cooperate with the investigation.

6.A report was also sought to be filed in this regard. Later the matter was repeatedly got adjourned and finally, it was heard on 10/12/2021. At that time also, the very same argument has been made.

7.The learned counsel appearing for the petitioners would submit that even in the form of declaration before the authorised person, Udhaya Fiance was registered, these petitioners were not shown as directors. One Sehik Mohammed and Kathar Mohideen were shown as Managing Director and Director. So according to the learned counsel appearing for the petitioners, simply because they are family members, they have been wrongly roped in this case. But such contention has also rejected by this court with the above said observation. Since the above said observation has been made by my predecessor, I am not competent to revisit and re-appraise the facts and come to a different conclusion. Only for the purpose of filing the report, the matter is kept adjourned repeatedly. I find absolutely no reason to differ from the above said observation.

8.It is also seen that no change of circumstances has also brought to light, ever-since the dismissal of the interim anticipatory bail, on 15/07/2021 in Crl.OP(MD)Nos.3553 and 4384 of 2021. So the Inspector of Police has filed a status report, dated 21/11/2021, wherein it has been stated that even though these petitioners names are not mentioned in the declaration form of the Directors, during the course of investigation, it was found that they are having and holding more shares in the financial company. So, when there is a specific question discovered during the course of investigation that the petitioners are having shares in the above said financial company, the involvement of the petitioners is the matter for investigation.

9.Considering the magnitude of the amount and also finding that no change of circumstances brought on record, I am of the considered view that these petitioners not are entitled to the relief of anticipatory bail.

10.Hence, these petitions are **dismissed**.

Sd/-
21/12/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.IV)
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.

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

ORDER
IN
Crl.OP(MD)Nos.12093
and 18803 of 2021
Date :21/12/2021

SP/VR/SAR /21/01/2022/2P/3C