Reserved on : 25.07.2022

Date of Verdict : 29.07.2022

Crl.O.P.Nos.13061, 13568, 13626, 13928, 15409, 15935, 15938, 15941, 16018 & 16037 of 2022

G.K.ILANTHIRAIYAN, J.

The petitioner in all the petitions, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120B, 420 and 406 of IPC, Sections 3 & 5 of the Banning of Unregulated Deposit Schemes Act, 2019 (herein after called as "BUDS Act") and Section 58(B)(1) of the Reserve Bank of India Act, 1934 (herein after called as "RBI Act") in Crime No.7 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the Deputy Superintendent of Police, Economic Offence Wing, Chennai has *suo motu* registered the present complaint as against the petitioners and others alleging that the first accused company viz., M/s. Aarudhra Gold Trading Private Limited has collected deposits from the public with false promise of paying exorbitant interest at the rate of 10% and 30% per month. Further alleged that the company in its official website has promised incentives of gold coin and payout at every month, referral income of 2% to 5 lakhs deposits at various

levels. The petitioner in Crl.O.P.No.13061 of 2022 is the Managing Director of the first accused company and it is alleged that he failed to produce details of the deposited money, the details of revenue generation by the company to give exorbitant interest to the depositors and the license to collect deposits from the public from the regulatory authorities including RBI. Hence the present case.

3. The learned counsel appearing for the petitioners in all the petitions would submit that there are totally 14 accused in Crime No.7 of 2022, in which the seventh accused viz., the petitioner in Crl.O.P.No.13061 of 2022 is the Managing Director of the first accused company. On perusal of the entire allegations alleged in the First Information Report (herein after called as "FIR") do not reveal any cognizance of offence as against the accused persons. All the allegations are made without any iota of evidence. None of the depositors have raised any sort of allegations of cheating as against the accused persons or any of the group of company run by the petitioners. The respondent on their own volition have registered the present FIR and there is no aggrieved party. The respondent without having any source of evidence or credible information as against the accused persons,

registered the FIR. Before registration of FIR, there was no complaint by any of the depositors as if the deposited amount was not disbursed to the depositors.

4. It is further submitted that there is no offence under Section 48B of the RBI Act and in any event, there is a bar in terms of Section 58E of the RBI Act, since cognizance of an offence under Section 58B can be taken only on the complaint given by the authorised officer of RBI. Therefore, the respondent has no role to play in this matter. Further the offence under Sections 420, 406 and 120B of IPC are not made out as against any of the accused, since there is no inducement or deception and there is no victim or alleged depositor who had filed a complaint as against the petitioners. In the absent of victim or defacto complainant or an aggrieved person, the alleged commission of offence under Section 420, 406 and 120B of IPC will not arise.

5. It is further submitted that Sections 3 & 5 of the BUDS Act also will not arise because the transaction is not deposit and is exempted under Section 2(4)(g) and 2(4)(l) of the BUDS Act. Further if there is any default

committed by the accused persons, the first accused company is ready and willing to settle the depositors for the period of May and June, 2022. Before registration of the FIR, all the depositors were promptly disbursed the amount, which are entitled by them, as agreed by the first accused company. After registration of FIR all the accounts of the first accused company have been frozen by the respondent as such the first accused company could not able to disburse the amount which are lying in the company's bank account. Therefore, he sought for interim protection and also to show their bonafide, the first accused company is ready and willing to settle the amounts due for the months of May and June, 2022, to all the depositors and seeks permission of this Court to operate their accounts lying in the several banks totally more than Rs. 88 crores.

6. The learned Senior Counsel appearing for the petitioners in Crl.O.P.Nos.13626 & 13568 of 2022 submitted that insofar as the petitioner in Crl.O.P.No.13626 of 2020 is concerned, she was working as employee of the M/s.Aarudhra Gold Trading Company Pvt. Ltd., which is managed and controlled by the board of Directors comprising eight Directors. The petitioner was the branch in-charge of Vellore, Tiruchirapalli

and Aminjikarai branches of the said company. She acknowledged receipt of deposits which were made by the depositors directly or indirectly into the bank account of the Company and the cash deposits which were made by the depositors with the cashier of the respective branches. Therefore, the petitioner has not been receiving deposits or carrying on business with the said money of her own. Except being an employee of the said company, she has nothing to do with the company.

7. He further submitted that insofar as the petitioners in Crl.O.P.No.13568 of 2022 are concerned they are daughter and son of the petitioner in Crl.O.P.No.13626 of 2022, who was the employee of the first accused company. Except the relationship, they have not been involved any of the first accused company's activities. They never received any cash from the depositors and they are no way connected with the offence committed by the other accused persons and they are not even employees of the said company.

8. Per contra, the learned Public Prosecutor appearing for the

respondent in all the petitions submitted that there are totally 14 accused in this case and A7 is the Managing Director of the first accused company. They are facing charges for the offences under Sections 120(b), 420, 406 of IPC, Sections 3 & 5 of the BUDS Act, and Section 58(B)(1) of the RBI Act. The accused persons canvassed for his company in a very extensive manner across the State through advertisement in media, newspapers, multiplex cine malls, pamphlets, broaches, websites and used the social media widely to reach out even to the remote areas. The first accused company also appointed more than 1500 agents to collect money from the general public, especially during the festival season, thereby the first accused company made thousands of depositors to believe that the first accused company would be their saviour and they started to blindly deposit in the company.

9. So far, the first accused company had collected deposits form 80,000 depositors. The modus operandi of the first accused that it is to give promised interest to the depositors from collecting deposits from other depositors. They did not have any investment plan in order to keep up their promise. So far, they collected one thousand crores of rupees from the general public through various branches across the State. The accused have

transacted around Rs.1,678 crore through 82 bank accounts in the name and style of M/s. Aarudhra Gold Trading Pvt. Ltd., at HDFC, ICICI, IDFC, IDBI, Union bank of India, Oriental Bank of Commerce, Chennai Central Co-operative Bank, Karur Vysya Band, Catholic Syrian bank, Vijaya Bank, Yes Bank, Indian Overseas Bank, Indian Bank, Kotak Mahindra, Fincare Small Saving Bank and Equitas Small Finance Bank. The first accused company has not followed any of the mandatory provision of the RBI Act. It fails to obtain license from the RBI for carrying out a banking business. Therefore, the custodial interrogation of the petitioners are very much required and in this regard he vehemently opposed to grant of anticipatory bail to the petitioners.

10. While pending the petitions for anticipatory bail of all the accused, some of the depositors filed petitions to intervene the anticipatory bail petition. The learned counsel appearing for the intervenors/depositors submitted that the first accused company made advertisement through social media and internet that they have gold schemes and in which if amount is deposited, they have gold scheme and in which if amount is deposited, they would give good profit returns in terms of cash or gold and upon seeing the

advertisement, the depositors had visited their office. They were informed about the gold scheme regarding the investment plan and as per the scheme 30% of the investment amount will be returned within 10 months and two grams of gold coin or cash will be given and also informed that the validity of the scheme is between 25.04.2022 and 10.05.2022. According to the depositors, their respective deposit with the first accused company on its various branches. In fact, all the depositors had received receipt for their respective investments. Further they were not paid as promised by them, with gold or other benefits. Some of the depositors submitted that they were duly paid monthly benefits and also gold coin at the time of deposit of money and only after registration of the present FIR, and after freezing the bank accounts of the accused persons, they were not paid any benefits under the scheme. Their interest is only in respect of their respective deposit and they are ready to receive their deposits.

11. Heard Mr.Nithyaesh & Vaibhav, learned counsel appearing for the petitioner in Crl.O.P.No.13061 of 2022, Mr.AR.L.Sundaresan, learned Senior Counsel appearing for the petitioners in Crl.O.P.Nos.13568 & 13626 of 2022, Mr.S.Manikandan, learned counsel appearing for the petitioner in

Crl.O.P.No.13928 of 2022, Mr.S.N.Arunkumar, learned counsel appearing for the petitioner in Crl.O.P.No.15409 of 2022, Mr.K.Shankar, learned counsel appearing for the petitioners in Crl.O.P.Nos.15935 & 15941 of 2022, Mr.Shobana Rama Subramanian, learned counsel appearing for the petitioner in Crl.O.P.No.16018 of 2022, Mr.M.Sathya Kumar, learned counsel appearing for the petitioner in Crl.O.P.No.16037 of 2022, Mr.Hasan Mohammed Jinna, learned Public Prosecutor, Assisted by Mr.R.Muniyapparaj and Mr.A.Damodaran, learned Additional Public Prosecutors appearing for the respondent in all the petitions, Mr.M. Mohamed Riyaz, Mr.M.Mohamed Riyas, Mr.Sathyanarayanan, Mr.C. Raghavan, Mr.G.Krishnamurthy, Mr.A. Saranraj, Mr.Sukumaran, Mr.H. Rajaram Hariharan, Mr.Antony Jesus, Mr.S. Senthilnathan, Mr.T.R.Udaya Kumar, Mr.S.Sathish, Mr.A.Jeeva, Mr.R.Y. George Williams, Mr.S. Raguraman, Mr.S.Mohammed Dhurabudeen, Mr.G. Gowtham, Mr.S.Aswin, Mr.N.Prakash, Mr.N.Theenadayalan, Mr.T. Meganathan, Mr.S.Saravanan, Mr.L.Narayanan, Mr.R.Ganesan, Mr.S. Saishankar, Mr.C.Gowtham, Mr.Y. Solomon, Ms.A.R.Sindhu, Mr.B. Srinivasan, Mr.S.Sheik Thanveer Ahamed, Mr.C.Harish, Mr.C.Prabakaran, Mr.D.Sudharsanam, Mr.S.N.A. Hussiany, Mr.G.Karthikeyan, Ms.K.

Yogeshwari, Mr.JMH.Imran, Mr.E. Omprakash, Senior Counsel for Mr.A. Ilangovan, Mr.K.Sivakumar, Mr. Baalaji, Mr.G.Anandaraj, Mr.G.Senthilkumar, Mr.Vijay Gurudass, Mr.V.P. Raju, Mr.S.Saishankar, Mr.S.Vinod, Mr.L.Jayakandan, Mr.P.Diwakar, Mr. N.Suresh Sah, Ms.R.Thara, Mr.A.Praveen, Mr.R.Harinath, D.Venkatraman, Mr.Sugumaran, learned counsel appearing for Intervenors/depositors.

12. The first accused company's Managing Director and other Directors represented before this Court that they are ready and willing to settle all the depositors. They were prompt in their payment of benefits under the various scheme to the depositors till the registration of the FIR in Crime No.7 of 2022. After registration of the FIR, the respondent had frozen the bank account of the accused persons. Therefore, they could not extend the benefits to the depositors as assured by them.

13. Considering the said representation, this Court passed an interim order on 23.06.2022 as follows :-

> *“10. Considering the above facts and circumstances of the case, this Court is inclined to grant*

interim protection to all the petitioners with the following conditions:-

(i) All the petitioners are granted interim protection till 08.08.2022 and the respondent is directed not to arrest the petitioners in pursuant to the FIR registered in Crime No.7 of 2022, till then.

(ii) The petitioners shall not receive any deposit under any of the scheme from the depositors/general public, till the completion of the investigation.

(iii) The petitioners shall not leave India without the permission of this Court.

(iv) As contemplated under Section 7 of the BUDS Act, and as per the Government Order in G.O.Ms.No.365 dated 02.09.2021, the Secretary to Government, Home, Prohibition and Excise Department, Chennai-9, is hereby appointed as "Competent Authority" for the purpose of this Act and the District Revenue Officer, Chennai, as the "Officer" to assist the Competent Authority, to disburse the deposit amount from the various bank accounts of the first accused company, now frozen by the respondent herein.

(v) The Competent Authority is directed to set up a separate office premises with requisite staff, so that the depositors can approach the Competent Authority in

all times, to produce their original deposit receipt.

(vi) The intervenors and other depositors are directed to approach the Competent Authority and produce the original deposit receipt along with their proof of identity and bank account details etc.

(vii) On receipt of the same, the Competent Authority is direct to verify the depositors identity and genuinity of the deposit receipt and disburse the deposit amount to the respective depositors, on or before 08.08.2022.

(viii) The first accused company's Managing Director and other Directors are permitted to verify the depositors identity and their genuinity of the deposit receipt, before making payments in the office of the Competent Authority.

(ix) All the payments shall be made through NEFT/RTGS or any other mode of online payment from the fist accused company's bank accounts to the respective depositors' bank accounts.

(x) The respondent is directed to file status report in respect of the payment made by the Competent Authority, before this Court on every Monday till 08.08.2022."

Accordingly, this Court imposed specific conditions that all the accused persons shall not receive deposit from the general public under the any of the scheme and they shall not leave India without permission of this Court and adjourned the matter to 04.07.2022, for filing status report in respect of the compliance of the said directions.

14. On 04.07.2022, the respondent filed memo stating that while pending investigation, the respondent has seized cash of Rs.3,44,43,697/-, gold 2040.83 grams, silver ornaments 1942.08 grams, two wheelers – 2 Nos., four wheelers – 3 Nos., digital materials and relevant documents belonging to the accused persons and taking steps to deposit the same before the concerned jurisdictional Court. However, the jurisdictional Court refused to receive the same, since already this Court appointed the Competent Authority to disburse the amount to the depositors.

15. In pursuant to the said memo filed by the respondent, this Court directed the respondent to deposit the same before the Special Court for TNPID Act, Chennai, and the said Court was also directed to receive the same. Further directed the respondent to receive all the complaints from other depositors and proceed further in accordance with law. On the same

day, this Court extended the interim production granted to the accused persons till 08.08.2022 and also adjourned the matter on 11.07.2022.

16. On 11.07.2022, this Court permitted all the depositors to submit the Registration Form before the Competent Authority to get back their deposit amount. Further, all the petitioners are directed to appear before the competent authority daily at 10.30 a.m., so that the Competent Authority can verify the genuinity of the claim made by the depositors. The interim protection was also extended to the petitioner in Crl.O.P.No.15409 of 2022 by an order dated 04.07.2022 and the petitioners in Crl.O.P.Nos.15935, 15938, 15941, 16018 & 16037 of 2022 by an order dated 13.07.2022.

17. On 18.07.2022, the respondent filed status report by stating that the accused persons did not appear before the Competent Authority to verify the genuineness of the claim made by the depositors for disbursal of the amount. So far, the Competent Authority received 22,682 claims from the depositors and it would amount to over Rs.200 crores. However, the frozen amount is only Rs.88 crores. Therefore, a decision has to be taken as to whether make full payment or proportionate or equitable payment to the

depositors and it is necessary to arrive at a method of payment regarding full or proportionate/equitable payment to the depositors and criteria for considering amounts claimed by the depositors i.e., seniority of receipt of application or date of making deposit by the depositor, since the available amount for repayment is less than the claim made by the depositors.

18. Considering the said submissions, further directions were issued by this Court on 18.07.2022:-

> *"(i) All the Directors along with their branch Team head/Agent/ Representative in all the branches of the first accused company are directed to appear before the Competent Authority daily at 10.30 a.m., to 5.30 p.m., along with the depositors details, registration form, whatever the documents related to the amount deposited by the depositors, amount received by the depositors so far, and the balance amount to be paid to them from the principle amount, and to assist the Competent Authority to verify the genuinity of the claim made by the depositors.*
>
> *(ii) The petitioners are directed to deposit a sum of Rs.50,00,00,000/- (Rupees fifty crores only) jointly, by way of cash/ Demand Draft, before the Competent*

Authority on or before 25.07.2022.

(iii) The Special Court of TNPID Act, Chennai, is directed to return a sum of Rs.3,44,43,697/- which was seized and deposited by the respondent in Crime No.7 of 2022 to the Competent Authority so as to the Competent Authority can disburse the same to the depositors.

(iv) The Competent Authority is directed to disburse the amount to the respective claimants directly from the frozen bank account of the first accused company to the claimants' bank account through NEFT/RTGS or any other mode of online payment.

(v) The Competent Authority after deducting the amount which was already received by the concerned depositor from the principle amount, as per the records submitted by the accused, shall disburse the balance amount, as directed by this Court from tomorrow onwards without fail in all days except Sunday. It is made clear that all the depositors are entitled to get back their principle amount and not the assured amount.

The matter was adjourned to 25.07.2022 for further order.

19. On 25.07.2022, the respondent filed status report by stating that as directed by this Court none of the accused persons appeared before the competent authority except few of the Managing Directors of the first accused company. They also could not be able to produce any document to verify the geniunity of the depositors, since the main accused persons failed to appear before the competent authority. Further this Court directed the accused persons to deposit a sum of Rs.50,00,00,000/- jointly by way of cash receipt/DD before the competent authority on or before 25.07.2022. The said condition has also not been complied with. Therefore, the competent authority could no be able to disburse the amount to the depositors.

20. It is seen that none of the conditions imposed by this Court complied with by the petitioners. The specific overtact as against the petitioners in all the Criminal Original Petitions are as follows :-

Sl. No.	***Crl.O.P.No.***	***Overtact of the petitioner***
1	Crl.O.P.No. 13061 of 2022	The petitioner has started the Company and given false promises of paying exorbitant interest at the

Sl. No.	Crl.O.P.No.	Overtact of the petitioner
		rate of 18% to 30% per month to the depositors. He canvassed for his company in a very extensive manner through advertisement in media, newspapers, websites and social media and induced the general public to deposit in his company. He appointed more than 1500 agents under commission basis to collect money from general public and started branches all over the state. He had collected Rs.1678 crores from the general public with the assistances of his associates and appointed some persons as directors for his company. He had deliberately mislead the public and induced them to participate in an unregulated schemes. He is the kingpin in the entire cheating scam. He had hatches a criminal company together with other accused with only intention to cheat the depositors. He had purchased properties in his name and directed huge money for his lavish style which were collected as deposits from general public. He has constantly insisted the depositors not to prefer complaints against him and his company.

Sl. No.	*Crl.O.P.No.*	*Overtact of the petitioner*
2.	Crl.O.P.No. 13568 of 2022	The petitioners are son and daughter of the petitioner in Crl.O.P.No.13626 of 2022 and they were assisting her in functioning of Vellore and Trichy branches. They have joined with their mother and conducted meetings of the depositors and induced them to deposit their money in the company by giving them false promises of exorbitant interest from 10% to 30% per month for their deposits. It is ascertained that they have collected about an amount of Rs.46 corres from the depositors.
3	Crl.O.P.No. 13626 of 2022	The petitioner was looking after the administration of Vellore and Trichy branches of the Company and she conducted meetings of the depositors and mobilised them to deposit money by falsely promising them of exorbitant interest by criminally conspiring with other directors. She had collected about Rs.20,56,00,000/- form the general public and colluded with the Managing Directors and other Directors of the company with an intention to cheat the general public by promised them of higher rate of interest.

Sl. No.	Crl.O.P.No.	Overtact of the petitioner
4	Crl.O.P.No. 13928 of 2022	The petitioner was incharge of the Coimbatore branch of the Company and he collected Rs.75 lakhs from the depositors by giving false promises of exorbitant interest at the rate of 10% to 30% to the depositors. He had colluded with the Managing Directors and other Directors of the company with an intention to cheat the general public by promised them of higher rate of interest.
5	Crl.O.P.No. 15409 of 2022	The petitioner is the one of the Directors of the company. He had canvassed for the company in a very extensive manner through advertisement in media, newspapers and social media and induced the general public to deposit in the company. He had criminally conspired along with other accused to collect deposits from public.
6	Crl.O.P.No. 15935 of 2022	The petitioner is one the Directors of the company. He had colluded with the Managing Director and other Directors of the company with an intention to cheat the general public by promised them of higher rate of interest. He had joined with the other directors of the company and hatched a criminal conspiracy to collect

Sl. No.	Crl.O.P.No.	Overtact of the petitioner
		deposits from the public. An amount of Rs.63,61,584/- was in his bank account and the same was freezed
7	Crl.O.P.No. 15938 of 2022	The petitioner has joined with the Managing Director and started the company. She is one of the Director of the company. She gave false promises of paying exorbitant interest at the rate of 10% to 30% to the depositors. She has canvassed for the company in a very extensive manner through advertisement in newspapers and social media. She has deliberately mislead the general public and induced them to participate in an unregulated scheme. She had colluded with the Managing Director and other Directors of the company with an intention to cheat the general public by promised them of higher rate of interest. An amount of Rs.57,70,396/- was in her bank account and same has been freezed.
8	Crl.O.P.No. 15941 of 2022	The petitioner is one of the Directors of the company and he gave false promises of paying exorbitant interest at the rate of 10% to 30% per month to the depositors. The petitioner is one of the main functionary of Amijikarai branch of the

Sl. No.	***Crl.O.P.No.***	***Overtact of the petitioner***
		company and an amount of Rs.76,79,422/- was in his bank account, which was freezed by the respondent.
9	Crl.O.P.No. 16018 of 2022	The petitioner is the Manager of the Cheyyar branch. He joined with Managing Director and other Directors of the company and canvassed through advertisement for collection of deposits from public. He had colluded with the Managing Directors and other Directors of the company with an intention to cheat the general public by promised them of higher rate of interest.
10	Crl.O.P.No. 16037 of 2022	The petitioner is one of the Directors of the company. He had joined with the Managing Director and other Directors to start the company. He had canvassed for the company in a very extensive manner through advertisement in newspapers and social media and induced the public to deposit in the company. He has colluded with the Managing Directors and other Directors of the company with an intention to cheat the general public by promised them of higher rate of interest for their deposits. He is the main functionary of Kancheepuram branch of the

Sl. No.	*Crl.O.P.No.*	*Overtact of the petitioner*
		company and an amount of Rs.135,842/- was in his name and the same has been freezed.

21. After issuance of directions by this Court, the respondent so far received 51,182 applications from the depositors claiming their respective deposits to the tune of Rs.1,303.57 crores. Whereas the amount available in the bank accounts, designated Court and the amount to be deposited by the accused persons were work out to Rs.139.34 crores only. Therefore, the claim made by the depositors is excess of the amount available.

22. That apart, the respondent yet to identify the properties of petitioners to attach them for realisation of the deposit amounts. Hence, the custodial interrogation of the petitioners are very much required in this case. Since the petitioners failed to comply the earlier directions issued by this Court, they are not entitled for the interim protection till 08.08.2022, which was already granted by this Court by an order dated 23.06.2022.

23. All the accused persons have committed very serious offence as against the society and caused huge loss to the general public. All the

accused persons have committed white collar crime and they conspired together and executed the crime in a well planned manner. Economic offences having deep rooted conspiracy involving huge loss to public funds needs to be viewed seriously. These offences are considered as grave offences affecting the economy of our country as a whole and thereby posing serious threat to financial health of our country. The nature of accusation and severity of punishment in case of conviction, the reasonable apprehension of tampering with the witness or apprehension of threat to the complainant and *prima facie* satisfaction of the Court in support of charge as against the petitioners, this Court is not inclined to grant anticipatory bail to the petitioners.

24. Recently, the Hon'ble Supreme Court of India issued certain guidelines to be followed while considering the bail petitions in the case of ***Satender Kumar Antil Vs. Central Bureau of Investigation and Another*** in ***Misc.A.No.1849 of 2021 in SLP(Crl.)No.5191 of 2021*** that in respect of economic offences are concerned, the law laid down in the cases of ***P.Chidambaram Vs. Directorate of Enforcement*** reported in ***(2020) 13 SCC 791*** and ***Sanjay Chandra Vs. CBI*** reported in ***(2012) 1 SCC 40*** will

govern the economic offences field. In those cases, the Hon'ble Supreme Court of India held that irrespective of the nature and gravity of charge, the precedent of another case alone will not be the basis for either grant or refusal of bail though it may have a bearing on principle. But ultimately the consideration will have to be on case-to-case basis on the facts involved therein and securing the presence of the accused to stand trial. Therefore, in determining whether to grant bail, both seriousness of the charge and the severity of punishment should be taken into consideration. The grant or refusal to grant bail lies within the discretion of the Court. The grant or denial is regulated, to a large extent, by the facts and circumstances of each particular case.

25. In the case on hand, the petitioners are charged with economic offences of huge magnitude. This Court is also conscious of the fact that the offences alleged, if proved, may jeopardise the economy of the country. That apart the investigation is not yet completed and if the petitioners are granted anticipatory bail, there is a possibility that they will tamper the witnesses and hamper the investigation. Hence, this Court is not inclined to grant anticipatory bail to the petitioners in all the petitions. Accordingly, all the

Criminal Original Petitions are dismissed.

26. At that juncture, the learned counsel appearing for the intervenor in Crl.M.P.No.10960 of 2022 submitted that all the accused persons are not in India and already they were flew away from India. Therefore, he prayed for necessary directions in respect of the refund of deposit amount to the concerned depositors. Considering the said submission, the respondent is at liberty to secure the petitioners by issuance of look out circular.

26. Further, as directed by this Court, now the Competent Authority and the Officers have been appointed to disburse the deposit amount from the various bank accounts of the accused persons. The Competent Authority and the Officers are receiving the claim applications from the depositors and taking steps to disburse the amount to the depositors. However, they could not disburse the deposited amount for the reason that till today, they are receiving number of applications from the depositors and the amounts which are lying in the bank accounts of the accused persons are lessor than the amount claimed by the depositors.

27. Though this Court dismissed the anticipatory bail petitions, considering the submissions made by the intervenors/depositors, to protect the interest of the depositors and also for their welfare, this Court is inclined to issue the following directions to the Competent Authority and the Officers with regard to the disbursement of the deposit amount to the respective depositors:-

> *(i) The Competent Authority is directed to set up a separate office premises with requisite staff, so that the depositors can approach the Competent Authority in all times, to produce their original deposit receipt and other documents.*
>
> *(ii) All depositors are directed to approach the Competent Authority and produce the original deposit receipt/registration form/membership form etc., along with their proof of identity and bank account details etc.*
>
> *(iii) On receipt of the same, the Competent Authority is directed to verify the depositors identity and genuinity of the deposit receipt and disburse the deposit amount to the respective depositors, after deducting the amount which were already received by them under the various schemes including the gold coins if any from the principal*

deposited amount and disburse the balance amount, after verifying the documents submitted by the depositors.

(iv) All the payments shall be made through NEFT/RTGS or any other mode of online payment from the fist accused company's bank accounts to the respective depositors' bank accounts.

(v) The Competent Authority shall give first preference to the depositors who made the deposits upto Rs.5,00,000/- (Rupees five lakhs only) for disbursal.

(vi) After settling the amount to the depositors who made deposits upto rupees five lakhs, the Competent Authority shall give second preference to the depositors who made deposits upto Rs.10,00,000/- (Rupees ten lakhs only) for disbursal.

(vii) It is made clear that the depositors who made the deposits more than rupees ten lakhs will be considered later viz., after attachment of the properties of the accused persons.

29.07.2022
(½)

rts

To

1. The Secretary to Government,
   Home, Prohibition and Excise Department,
   Chennai-9.

2. The District Revenue Officer,
   Chennai.

3. The Deputy Superintendent of Police,
   Economic Offences Wing,
   Ashok Nagar, Chennai-83.

4. The Public Prosecutor,
   Madras High Court,
   Chennai.

G.K.ILANTHIRAIYAN, J.

rts

Crl.O.P.Nos.13061, 13568, 13626, 13928, 15409, 15935,
15938, 15941, 16018 & 16037 of 2022

29.07.2022
(½)