



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

Dated: 21/07/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP(MD)No.11667 and 11668 of 2022

(1)Crl.OP(MD)No.11667 of 2022:-

1. Sahul Hamid
2. Babu

: Petitioner/Accused
Rank Not Known

Vs.

The State rep. By
The Inspector of Police,
Thanjavur DCB Police Station,
Thanjavur District.
Crime No.1 of 2020

: Respondent/Complainant

(2)Crl.OP(MD)No.11668 of 2022:-

Sahul Hamid

: Petitioners/Accused No.4

Vs.

The State rep. By
The Inspector of Police,
City Crime Branch,
Trichy City,
Crime No.17 of 2021

: Respondent/Complainant

IN BOTH PETITIONS :

For Petitioners : Mr.Ramsundarvijayaraj.S, Advocate

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor (Crl.Side)

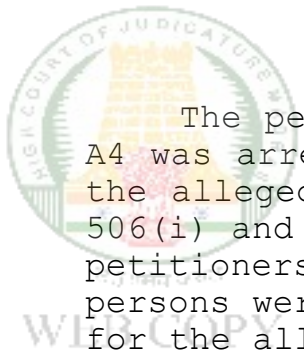
PETITIONS FOR BAIL Under Sec.439 of Cr.P.C

PRAYER :-

For Bail in Crime Nos.17 of 2021 and 1 of 2020 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

<https://www.mhc.tn.gov.in/judis>



The petitioner in Crl.OP(MD)No.11668 of 2022, who is a as A4 was arrested, on 01/06/2022 and remanded to judicial custody for the alleged offences punishable under sections 417, 420, 294(b) and 506(i) and 120B IPC, in Crime No.17 of 2022, seeks bail, whereas the petitioners in Crl.OP(MD)No.11669 of 2022 who are arrayed as accused persons were arrested on 01/06/2022 and remanded to judicial custody for the alleged offences 420, 294(b), 506(i) IPC and section 4 and 3 of the Prize Chit and Money CIR Schemes (Banning) Act, 1978.

2.The case of the prosecution is that the accused persons started a company called "Elfin company Private Limited and conducted various meetings informing the investment to the company promising to return the money with high profit and several persons invested money and thereafter, they cheated. In so far as this case is concerned, the de-facto complainant stated that Rs.12,000/- was received by the accused persons promising to return the same with high return and when the receipt was demanded that was refused, criminally intimidated. Based upon the above said complaint only the present case has been registered. This is the complaint in respect of Crime No.1 of 2020 and in respect of Crime No.17 of 2021 who started the company called Elfin Company Private Limited promising to trice of of deposit. They invited the public to make the deposit. In pursuance of the above said, several persons invested money and later they were cheated. Based upon the above said complaint, the present case has been registered.

3.Heard both sides.

4.It is large scale cheating run into several crores of rupees.

5.The learned Additional Public Prosecutor would submit that as on date, more than 500 of rupees involved in the transaction and several persons are making complaints and now the complainants are rising against the above said company. When the co-accused moved anticipatory bail application before this court the coordinate bench of this court passed an order appointing the Hon'ble retired Judge of this court as chairman of one man committee to disburse the money to the victims and that committee started functioning. But later finding the magnitude of the money involved thereafter the police moved cancellation of bail and transfer of investigation to the Economic Offence Wing. But the cancellation of bail that was moved by the company came to be dismissed. But however, the main accused namely Raja @ Alagarsamy was arrested and remanded to judicial custody and ever since he is in custody. So based upon which while moving the bail application in Crl.OP(MD)No.14139 of 2021 an affidavit of undertaking was filed by A1 undertaking to settle. Only on that basis the above said one man committee was appointed.

6.The learned counsel appearing for the petitioners on the basis of this undertaking would submit that these petitioners are <https://www.mca.gov.in/>, but worked in the company for the commission and they



were no way involved in the sharing of the profit. Consider the duration of the custody, they sought an order of bail. But the bail that was granted to the co-accused Paulraj and others cannot be taken advantage of the petitioners. Those persons were granted anticipatory bail when the magnitude of the amount was less. But now it has gained enormous proportion. If the petitioners are released on bail, they will hamper the investigation process. How much money involved and how many people have been cheated can be found only during the course of investigation.

7. So I find that this is not a fittest case to enlarge the petitioners on bail. Accordingly, these criminal original petitions are **dismissed**.

sd/-

21/07/2022

/ TRUE COPY /

/07/2022

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,
THANJAVUR DCB POLICE STATION,
THANJAVUR DISTRICT.
2. THE INSPECTOR OF POLICE,
CITY CRIME BRANCH, TRICHY CITY,
TRICHY DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2 CC to M/s.S.RAMASUNDARVIJAYRAJ, Advocate (SR-7473 & 7474[I] dated 21/07/2022)

ORDER IN

CrI.OP(MD)No.11667 and 11668 of 2022

Date : 21/07/2022

USK/SVR/SAR-I/28.07.2022/3P/7C

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