



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

Dated: 17/08/2022

PRESENT

The Hon'ble Mr.Justice **G.ILANGO VAN**

Crl.OP (MD) Nos.13688 and 13833 of 2022

Surya ... Petitioner /Accused in
Crl.OP (MD) No.13688 of 2022

Dhayanithi ... Petitioner /Accused in
Crl.OP (MD) No.13833 of 2022

Vs.

The State rep. By
Inspector of Police,
DCB Police Station,
Sivagangai District.
(Crime No.5 of 2021) ... Respondent/Complainant
in Both petitions

Kanjana ...Petitioner/Proposed Respondent No.2
in CRL MP (MD) Nos.9217 & 9218 OF 2022

For Petitioner : M/s.P.Selvakamatchi, Advocate
in Crl.OP (MD) No.13688 of 2022

For Petitioner : Mr.S.Boominathan, Advocate
in Crl.OP (MD) No.13833 of 2022

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

For Intervenor : Mr.T.Cibi Chakraborty, Advocate
in CRL MP (MD) No.9217 & 9218 OF 2022

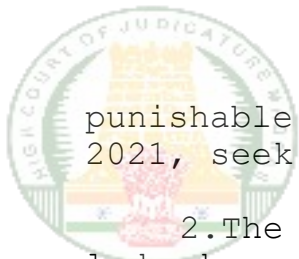
PETITIONS FOR BAIL under Sec.439 of Cr.P.C

PRAYER :-

For Bail in Crime No.5 of 2021 on the file of the Respondent Police.

COMMON ORDER:- The Court made the following order:-

The petitioners, who are arrayed as accused were arrested, on 10/07/2022 and remanded to judicial custody for the alleged offences



punishable under sections 406, 420 and 120(B) IPC, in Crime No. 122 of 2021, seek bail.

2.The case of the prosecution is that the de-facto complainant lodged a complaint stating that some three years prior to the date of the complaint, UTS and UTE companies were established. At that time, the accused persons represented that if they are able to invest money, they can gain huge interest and double amount can be given. In 2019, the de-facto complainant along with four persons, deposited Rs.5,50,000/-. At that time, some employees were also present. Later, they failed to perform their promise and they failed to return the money also. On the basis of the complaint given by the de-facto complainant, the case was registered.

3.Seeking bail, the petitioners, who are arrayed as accused persons filed these petitions.

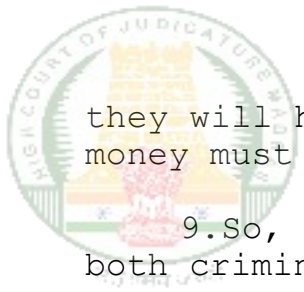
4.Heard both sides.

5.The accused Dhayanithi has stated that he has not arrayed as an accused and he has been falsely implicated in this case, after one year. He also resigned from the job, on 30/09/2019 and that was accepted by the A1. He was relieved from the post, on 01/11/2019. According to him, in respect of the above said alleged misappropriation and cheating, he is noway involved.

6.So far as the accused Surya is concerned, it is his case to the effect that he was relieved from the office, on 01/11/2019 on the basis of the letter, dated 30/09/2019. On the date of lodging of the the above said complaint, he was not employed in the above said company.

7.The learned Additional Public Prosecutor would submit that huge money is involved in this issue and the co-accused are absconding and if the petitioners are released on bail, they will hamper the investigating process.

8.The learned counsel appearing for the intervenor-de-facto complainant would submit that totally, 73,000 depositors have been cheated. Even at one point of time, one man Committee headed by a retired Judge of this court was appointed for the purpose of disbursing the amount to the investors. Even though, it has been stated that totally 73,000 depositors have been cheated, reading of the order that has been passed in WP No.24057 of 2019 batch etc., dated 21/11/2019 shows that totally 7,300 depositors have been cheated and Rs.1,000/- crores are involved and the Company is operating not only in Tamil Nadu, but also in southern States. They have appointed agents for collecting and canvassing deposits. So when huge amount is involved and the co-accused are absconding, if the petitioners are released on bail on the ground that on the date of filing of the complaint, they are not the employees of the company, then



they will hamper the investigation process. The offence of : je
money must be thoroughly investigated.

9. So, I find no merit in both the petitions and accordingly,
both criminal original petitions are liable to be dismissed.

10. In the result, both criminal original petitions are
dismissed.

sd/-
17/08/2022

/ TRUE COPY /

/09/2022

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

TO

- 1 THE INSPECTOR OF POLICE
DCB POLICE STATION, SIVAGANGAI DISTRICT
- 2 THE OFFICER INCHARGE
SUB JAIL, SIVAGANGAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2 CC to M/s.T.CIBI CHAKARABORTHY, Advocate (SR-8698[I] & 8699[I]
dated 18/08/2022)

+1 CC to M/s.P.SELVAKAMATCHI, Advocate (SR-8718[I] dated 18/08/2022
+1 CC to M/s.S.BOOMINATHAN, Advocate (SR-8717[I] dated 18/08/2022)

ORDER
IN
Crl.OP(MD)Nos.13688 and
13833 of 2022
Date :17/08/2022

ER
PKP/SVR/SAR-2/06.09.2022/3P/8C