IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **10.05.2023**

CORAM:

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Criminal Original Petition No. 8563 of 2023

B. Sujatha ... Petitioner

Versus

The State Represented by,
The Inspector of Police,
HQRS Police Station,
Economic Offence Wing,
Chennai.
(Crime No.21 / 2022) ... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No. 21 of 2022 on the file of the respondent police.

For Petitioner : Mr. R. Vivekananthan.

For Respondent : Mr. E. Raj Thilak,
Additional Public Prosecutor.

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 06.03.2023 for the offence punishable under Sections 120(B), 409, 420 read with 109 read with 34 of the Indian Penal Code and Section 5 of the Tamil Nadu Protection of Interest Depositors (In Financial Establishment) Act, 1997 and Sections 21(3), 22, 23, 24, 25 of the Banning of Unregulated Deposit Schemes Act, 2019 in Crime No. 21 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was working as a General Manager in M/s.Hijau Associate Private Limited. She was drawing a monthly salary from the said company. She had solicited deposits from the general public on behalf of the said company. The company had collected deposits from 89,043 depositors for a total sum of Rs.4414,44,22,380/-. The petitioner is shown as A51 in the said complaint.

3.The learned counsel for the petitioner submitted that admittedly the petitioner was a salaried employee of the company by name M/s.Hijau Associate Private Limited. As a General Manager it may be a fact that she was incharge of looking after the cash receipts, income and expenses of Board members and also monitoring the deposits collected from the investors. The petitioner is in custody since 06.03.2023. The main accused namely the Managing Director and other Directors of the company were arrested and now been released on bail under Section 167(2) of Criminal Procedure Code. The investigation does not require the petitioner's further custody, even assuming that the allegations against the petitioner are true. The learned counsel further submitted that the petitioner would abide by stringent conditions and would co-operate with the investigation.

4.The learned Additional Public Prosecutor has filed a counter affidavit signed by the Additional Superintendent of Police, Economic Offences Wing. It is stated in the counter that the petitioner as a General Manager of the company, was a key person who was involved in the offences and she was aware of all the deposits collected from the investors. In fact, she had earned commission for the deposited amounts, which she had solicited from the innocent public. Further the petitioner is aware of the transactions made by 19 dummy companies created by the Managing Director of the said company for the purpose of receiving the deposits. Since the petitioner has played a very important role, her bail application may be dismissed.

5.This Court, finds on perusal of the FIR, the counter filed by the respondent and on hearing the submissions, that the petitioner was working as a General Manager of the company by name M/s.Hijau Associate Private Limited. Admittedly the petitioner was only a salaried employee of the said company. It is not the case of the respondent that the petitioner had personally siphoned off any money allegedly collected by the company from the depositors. The petitioner who is a lady, has been in custody from 06.03.2023. That apart, it is seen that the main accused and the principal officers of the said company have been arrested and released on default bail.

6.Considering the above facts and circumstances of the case, the period of incarceration and that further custody of the petitioner is not required for investigation, this Court is inclined to grant bail to the petitioner on the following conditions;

(a) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties, each for a like sum to the satisfaction of the Special Court for TNPID Cases, Chennai.

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

[d] the petitioner shall not leave the city without informing the trial

Court.

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].**

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

10.05.2023

ay/dk

To

1.The Special Court for TNPID Cases,
Chennai.

2.The Inspector of Police,
HQRS Police Station,
Economic Offence Wing,
Chennai.

3.The Central Prison,
Puzhal,
Chennai.

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

Crl OP No. 8563 / 2023

SUNDER MOHAN, J

ay/dk

Crl.O.P. No. 8563 of 2023

Dated: 10.05.2023