

Crl.O.P.No.10113 of 2023

WEB COPY **A.D.JAGADISH CHANDIRA, J.,**

The petitioners, who apprehend arrest for the alleged offence under Section 406, 420, 120(b) of IPC and Section 5 of TNPID Act, 1997, in Cr.No.2 of 2018 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the accused had run a company in the name of M/s.Royal Agro & Diary Limited and cheated nine thousand depositors to the tune of Rs.27 Crores. Based on the complaint, a case was registered in Crime No.2 of 2018 and thereafter the respondent have completed the investigation and filed the final report and the case has been taken up for trial in C.C.No.02 of 2022 on the file of the TNPID Court, Chennai. The petitioners are arrayed as A12 and A15.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would submit that the petitioners were erstwhile directors of M/s.Royal Agro & Diary Limited and they have resigned from the company as early as 30.11.2010. The alleged deposits have been made by the victims



subsequent to their resignation from the board and since the other accused have not paid the amount, a case came to be registered during the year 2018.

He would submit that the co-accused have been arrested and also enlarged on bail. He would also submit that the petitioners were shown as absconding accused and the final report has been filed and the case has been taken up for trial in C.C.No.02 of 2022 on the file of the TNPID Court, Chennai and the petitioners have also received summons for their appearance. He would submit that the investigation is completed and the custodial interrogation of the petitioners may not be required, thereby he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) would submit that the petitioners were the directors of M/s.Royal Agro & Diary Limited and they have received deposits from several persons to the tune of Rs.27 Crores and cheated them. However, he would submit that the petitioners were not arrested during investigation and they were shown as absconding accused. He would further submit that the final report has been filed and the case has been taken up for trial in C.C.No.02 of 2022 on the file of the TNPID Court, Chennai and the case now stands posted on 14.06.2023.



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5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the material available on record.

6. Taking into consideration of the above facts and submissions made on both sides and the investigation has been completed and the case has been taken up for trial, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the **learned Special Court, TNPID Act, Chennai**, on condition that the petitioners shall execute a separate bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand Only)** with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and 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.



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[b] the petitioners are directed to appear before the Special Court, TNPID Act, Chennai, on all working days at 10.30 a.m., for a period of two weeks and thereafter on the dates fixed by the learned trial Judge.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**

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

05.06.2023

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