Crl.O.P.No.10482 of 2023

T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120 B, 406, 420 of I.P.C. and Sec.5 of the Tamil Nadu Protection of Interest of Depositors (In Financial Establishment) Act, 1997 in Crime No.6 of 2022 on the file of respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is running an eyeglass shop named Shree Optic World at Salem. While that being so, one Kumaresan met him in his shop and informed that a Cooperative Society named Amudh Surabhi Thrift and Cooperative Society Ltd., Salem, in which the petitioner is one of the Director and if a deposit is made in the said society, he will get a bonus amount along with deposited amount. On believing his words, he opened a daily small savings scheme in his wife name and deposited a sum of Rs.100/- per day for a period of one year totally a sum of Rs.34,400/- as principal and also deposited a sum of Rs.600/- per day in his daughter's name for a period of 11 months totally a sum of Rs.1,68,000/- as principal amount. He has further deposited a sum of

Rs.300/- per day in that scheme under his name for a period of 10 months totally a sum of Rs.79,800/- as principal amount and he has also deposited in a medical scheme in his daughter name for a sum of Rs.10,000/-, thereby, totally a sum of Rs.2,92,000/- was deposited by the defacto complainant. But, as promised by him, he has not deposited any bonus amount respectively to the credit of their scheme. Hence, the present complaint was registered.

3. The learned counsel for the petitioner would submit that this the second petition seeking for anticipatory bail and she is an innocent person. He would submit that she is no way connected with the offence as alleged in the complaint and she has been falsely implicated in this case and co-accused was released on bail. He would also submit that she never acquainted with any of the alleged transaction as stated in the F.I.R. and there is no specific overtact attributed against the petitioner and she is ready to comply with any condition imposed by this court. He would also submit that before 2020, she was a director of the company and at present, she is not holding any post in the said company. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the occurrence took place on 19.11.2022, but more than a sum of Rs.9,63,00,000/- was involved in this case and totally more than 887 depositors' amount was misappropriated by this petitioner along with other accused. So far, no recovery was made. He would submit that A4 is the General Manager and this petitioner is a Director of the company, who is ranked as A5. He would further submit that if the anticipatory bail is granted, she may tamper the evidence and hamper the investigation. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case and the submissions made by both the counsels and also on considering the gravity of offence committed by the petitioner and there is no change of circumstances and also the fact that more than 500 depositors' amount was misappropriated by this petitioner along with other accused, this Court is not inclined to grant anticipatory bail to the petitioner, and he is directed to surrender before the respondent police. Accordingly, this Criminal Original

Petition is dismissed.

22.06.2023

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