Crl.O.P.No.11499 of 2023
and Crl.M.P.Nos.8033 and 9130 of 2023

G.K.ILANTHIRAIYAN, J.

The petitioner, who was arrested and remanded to judicial custody on 30.03.2023 at the hands of the respondent police for the offence punishable under Sections 409, 420, 120(B) r/w 109, 34 of IPC and Section 5 of the Tamil Nadu Protection of Interest of Depositors (In Financial Establishments) (TNPID) Act, 1997 and Section 21(3), 22, 23, 24 and 25 of Banning of Unregulated Deposit Schemes (BUDS) Act, in Crime No.21 of 2022, seeks bail.

2. The case of the prosecution is that through one Viswanathan, the defacto complainant came to know about the company called M/s Hijau Associates Pvt. Ltd. The said company is paying 15% returns/payout every month per Rs.1,00,000/- of deposit and the company is also paying additional 2% returns/payout, if deposits are brought in by introducing others. She was also informed that one Ramesh has floated SG Agro Products and through the said concern, they are collecting money on behalf of M/s Hijau Associates Pvt. Ltd and are issuing receipts for the payments so received through M/s SG Agro Products and M/s Ram Agro Products. Believing the words of the said Viswanathan and Ramesh, the defacto complainant along with her relatives

deposited huge amount. It is further alleged that for the deposits made already in the month of August, 2022, payout were not paid from September, 2022 onwards. Thereafter, on enquiry it was found that M/s Hijau Associates Pvt. Ltd, appointed 21 persons as its President and through the said 21 persons, independently in different names, different concerns were floated and through those concerns, deposits have been taken from general public. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and she has nothing to do with the transactions as alleged by the prosecution. All those transactions are related to one Soundarajan and his son Alexander Soundarajan and other 21 Directors. In fact, the petitioner's husband is an ICF employee and she got to know that her husband was also projected as Board of member and they have misused the IDs of the petitioner and had floated the Proprietary concern namely M/s.RMK Brothers and was indulging in collecting money from the public on behalf of M/s Hijau Associates Pvt. Ltd. Her husband also deposited funds into the said M/s Hijau Associates Pvt. Ltd and M/s Hijau Agro LLP. In the month of August 2022, the said Soundarajan and his son Alexander Soundarajan had planned to swindle the deposit, without the consent and knowledge of the petitioner and

her husband, using the digital signature of the petitioner and others, deliberately made the petitioner as Director of the first accused company on 05.09.2022. Now, they escaped from the Country. That apart, the petitioner was arrested and remanded to judicial custody on 30.03.2023. Now, the respondent had completed the investigation and filed final report and as such the custodial interrogation of the petitioner does not require. There is absolutely no chance to tamper the witness and to escape from the clutches of law. She is also ready and willing to surrender her passport if any, till the completion of Trial. Insofar as M/s RMK Brothers is concerned, it is a Proprietrix concern and no amount has been received in the name of M/s RMK Brothers Agro Products limited. So far, the respondent also identified the properties belong to the accused worth about Rs.14 Crores and they also sent a proposal to attach the same. Hence, he prayed for grant of bail to the petitioner.

4. The respondent filed counter and the learned Additional Public Prosecutor appearing for the respondent police would submit that there are totally 40 accused, in which the petitioner is arrayed as A12. She is one of the Director and she was inducted as a Director of the first accused company on 05.09.2022. She was a Director and as such she was very much involved in the day-to-day affairs of the company. That apart, the first accused floated

proprietary firms viz., (1) Aryan Food Industries, (2) Shiridi Sai Agencies, (3) Naganathan Traders, (4) Sri Marimuthu Enterprises, (5) VSN India Agro Products, (6) RMK Bros Agro Products, (7) SG Agro Products, (8) Ram Agro Traders, (9) Bhakyalakshmi Agro, (10) Sai Lakshmi Enterprises, (11) Varada Vinayakaa Agro Enterprises, (12) Alif Agro Plus, (13) Aruvi Associates, (14) MST Agro Traders, (15) Sree Ram Agro Enterprises, (16) Nisarga Agro, (17) Kamadhenu Agro, (18) Well Growth Agro Products, (19) Green Grow Enterprises, (20) Blessy Agro, (21) APM Agro and (22) Suruthi Baba Agro Enterprises and diverted entire funds collected in the name of the first accused and agitated the general public. The said Alexander is arrayed as A3 and his father Soundarajan is arrayed as A4. They issued receipts and bonds in the name of the first accused company M/s Hijau Associates Private Ltd. The petitioner and her husband had also actively participated as Board of members of the first accused company. There are totally 89,043 victims and so far 14,521 depositors have lodged complaints. Insofar as the petitioner is concerned, she had collected a sum of Rs.621 Crores from the general public. The respondents also produced her affidavit and it revealed that in the name of M/s RMK Bros Agro Products, the petitioner started a Proprietrix concern and the petitioner had collected money from the general public and issued receipts. In fact, one of the Intervener also produced a receipt which was issued by the petitioner after collection of huge amount. Further, the petitioner is admittedly a Director of the first accused company, though she was inducted on 05.09.2022. So far the respondent had identified properties worth about only Rs.14 Crores and had sent a proposal for attachment. Hence, he vehemently opposed to grant bail to the petitioner.

5. The learned Additional Public Prosecutor also relied upon the Judgment of the Hon'ble Supreme Court of India reported in ***2013 (7) SCC 439,*** in the case of ***Y.S.Jagan Mohan Reddy Vs Central Bureau of Investigation,*** in which the Hon'ble Supreme Court of India held as follows:-

> *34. Economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offence having deep rooted conspiracies and involving huge loss of public funds needs to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country.*
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> *35. While granting bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations.*

6. The entire Community is aggrieved if the economic offenders who ruin the economy of the State are not brought to books. A murder may be committed in the heat of moment upon passions being aroused. An economic

offence is committed with cool calculation and deliberate design with an eye on personal profit regardless of the consequence to the Community. A disregard for the interest of the Community can be manifested only at the cost of forfeiting the trust and faith of the Community in the system to administer justice in an even handed manner without fear of criticism from the quarters which view white collar crimes with a permissive eye unmindful of the damage done to the National Economy and National Interest.

7. Therefore, though the respondent completed the investigation and filed final report, if the petitioner is released on bail, there is ample chances for hampering the witness and tampering the evidence.

8. In view of the above, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous petitions are closed.

16.08.2023

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G.K.ILANTHIRAIYAN, J.

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