



Crl.O.P.No.16464 of 2023

Orders Reserved on
27.09.2023

Orders Pronounced on
06.10.2023

Crl.O.P.No.16464 of 2023

RMT. TEEKAA RAMAN., J.

The petitioners who is arrayed as A.1 apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420 IPC and Section 5 of TNPID Act, registered in Crime No.6 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant Ambika has given a complaint before the respondent police. Based on the complaint of the defacto complainant, a case has been registered by the respondent police on 05.05.2023 alleging that the defaacto complainant alongwith her friend Shanthi is running a beauty parlour in the name of **Ping Me** in Ayapakkam for the past three years. Her partner Shanthi earlier worked in GAT (Green Agro Tech) which is located near Maduravoyil. Ezhiralsan is the owner and Vijayalakshmi is the Vice President of the said GAT company. It was informed if that they invest money in GAT, 25% interest will be given as profit. Believing the said same, the defacto complainant has pledged her jewels and also received money from her



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friends and invested Rs.60,00,000/- in GAT on 30.06.2022 first and thereafter on 14.07.2022, invested Rs.70,00,000/-. Thereafter, they were insisted to join in monthly chit and the defacto complainant has joined in Rs.20,00,000/- chit on 20.07.2022. As assured, the petitioner has not given the interest. Therefore, the defacto competition and her friend Shanthi went to GAT and it was found that the company was closed and they were cheated.

3. The learned counsel for the petitioner would submit that A.3 has been granted anticipatory bail in Crl.OP No.11349 of 2023 on 15.06.2023 and A.2 was arrested and released on bail and that so far the petitioner has settled Rs.1.50 crores, the claim of the depositors that was taken in the Crime No.6 of 2023, in the Counter Affidavit filed by the investigating officer.

4. The learned counsel for the intervenor would submit that the company name Green Agro Tech (GAT) sponsored three plan viz. Daily Saving plan, Special Saving plan and GAT Investment plan. They offered fabulous offer inducing the viewers to invest the amount in the following plans -



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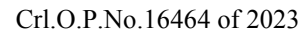
(i) in the first plan, if a person invests a sum of Rs.1,00,000/-, they will give 32% i.e. Rs.32,000/- per month for a period of 12 months.

(ii) In the second plan, if a person invests a sum of Rs.3,00,000/-, they will give 33% i.e. Rs.33,000/- per month for a period of 15 months and

(iii) in the third plan, if a person invest a sum of Rs.5,00,000/-, they will give 35% i.e. Rs.35,000/- per month for a period of 20 months.

5. The learned Government Advocate (crl.side) filed counter affidavit of the investigating officer and status report. As on date, 47 complaints were received from affected investors to the tune of Rs.3,11,52,500/-. By way of settlement, 1.50 Crores have already been settled by A.2. A.2 was arrested and released on bail. A.3 was granted anticipatory bail by this Court. The learned Government Advocate (crl.side) has produced copy of FIR alleging that the petitioner is involved in Crime No.416 of 2022 for alleged offences under Section 302 IPC wherein both A.1 & A.2 were arrested and subsequently released on bail in Crl.OP No.28583 of 2022 by this Court.

6. Rebutting the contention, the petitioner herein filed typed set of papers to show the rental income by way of typed set consisting upon 17 accounts and to show that he has lot of means and the company has outstanding amount of more than to be settled and also filed typedset of



8. Taking into consideration the rival submissions made by the respective parties, additional typeset showing the properties standing in the name of the petitioner and his wife and the income derived from the property in the typedset of papers and also the fact that more than 50% of the claim amount that was due as on date has already been settled and that with regard to the balance of 50% to be paid, he has undertaken to deposit 50% of the



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said amount upon realisation, I am inclined to grant anticipatory bail to the petitioner.

9. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned **Special Judge under the Tamil Nadu Protection of Interest of Depositors** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum 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 petitioner 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.

[b] the petitioner shall deposit a sum of Rs.75,00,000/- to the credit of Crime No.6 of 2023 within a period of four weeks ;



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[c] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of six weeks.

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

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

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

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