



CrI.OP.No.21975 of 2023

CrI.O.P.No.21975 of 2023
and
CrI.MP.Nos.16801 and 16805 of 2023

C.V.KARTHIKEYAN,J.

The fourth accused in Cr.No.18 of 2023 who is actually the son of the 5th accused seeks anticipatory bail. The said F.I.R has been registered under Sections 406, 420, 294b, 506(i) and 120B of IPC. From the extent to which the facts are discernible, it appears that the 1st, 2nd and 3rd accused primarily had lured the defacto complainants and also several others to invest money in what it could be called “ Crypto currency”., modus Operandi whereby they promised that if there is a investment of a small amount every day the said amount would be repaid back by what it can also be very bluntly called doubling of money. It is contended that substantial amounts have been so transferred to the accounts of accused A1, A2 and A3 . They have been taken into custody and their successive applications seeking bail had been dismissed. Thereafter, since the final report was not filed, the Judicial Magistrate Court was forced to grant them relief under Section 167(2) of Cr.P.C, but



Crl.OP.No.21975 of 2023

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however one of the conditions while granting such bail is that the said three accused/ A1, A2 and A3 should appear whenever called for by the Investigating Officers. So far as A5 is concerned/ father of the petitioner, he had been also granted anticipatory bail in Crl.O.P.No.17016 of 2023 by an order dated 10.08.2023. Initially, there was an order directing him to appear before the respondent and thereafter it appears that the condition had been relaxed. The entire issue presents a sorry picture where owing to the non co-operation of the accused persons either when they were in custody or when they were granted anticipatory bail, the Investigation had never even started. The investigating agency does not know the actual amount which the accused persons had lured the innocent persons to deposit with them. It is also not known the number of the bank accounts in which such amounts have been parked. So far as the petitioner is concerned, the learned Senior counsel states that the only allegation is that a sum of Rs.2,00,000/- had been deposited in the account of the petitioner.



Crl.OP.No.21975 of 2023

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2. There are applications filed by the Intervenors and the learned counsels have very strongly objected to such a stand taken and have very specifically stated that the two intervenors before this Court have suffered loss of Rs.14,00,000/- and Rs.12,00,000/-. It is stated that all the accused persons were rotating the various bank accounts and transferring amounts from one account to the other and therefore it is very difficult to find out the trail of accounts.

3. On the side of the respondents, the learned Government Advocate (Crl.Side) stated that the custodial interrogation of the petitioner is required not only to find out the actual amounts involved, but also to determine the modus operandi and also the role of any other persons who should be brought in as accused and more particularly the role of the 1st, 2nd and 3rd accused. It had been stated that since they were not in custody, the respondents were not able to conduct proper investigation and did not have the opportunity to do so. The 4th accused/father of the petitioner had also obtained anticipatory bail. In view of all these circumstances, in order to enable the investigation to



Crl.OP.No.21975 of 2023

WEB COPY

continue, it is only appropriate that the petitioner subjects himself for interrogation. It is not a one time transfer of money of Rs.2,00,000/-, but, a series of transactions had apparently taken place and the entire issue will have to be untraversed. The petitioner had an opportunity of coming out with the actual facts not just the facts as stated in the F.I.R but disclosing the correct information about the amounts which he had benefited or the modus operandi. None of those facts have been stated by the petitioner herein. It is therefore evident that taking advantage of the bail granted under Section 167(2) of Cr.P.C and the anticipatory bail granted to the other accused, all the accused are trying to evade the investigation process and to avoid disclosing any information what so ever. No investigation can proceed if this is the attitude. In view of that particular fact, since admittedly there has been transfer of money for any reason what-so-ever and there is loss suffered by promising to repay, I hold that the anticipatory bail cannot be granted to the petitioner herein and the same stands dismissed. The Investigating Officer/Inspector of Police, District Crime Branch, Villupuram is directed to issue notice to A1, A2 and A3 since that is a condition in which they had been granted



CrI.OP.No.21975 of 2023

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bail under Section 167(3)(2) of Cr.P.C and if they do not appear and do not cooperate with investigation take proper steps in the manner known to law. The mere fact that the other accused/father of the petitioner had been grant anticipatory bail would also not come in the way of the respondents issuing notice to him under Section 41A of Cr.P.C and directing him to cooperate with the investigation.

4. Recording as above, the petition stands dismissed with the above directions.

19.10.2023

Vv



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CrI.OP.No.21975 of 2023

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Vv

CrI.O.P.No.21975 of 2023

19.10.2023