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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2024

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.Nos.1961, 1963, 1965 & 1713 of 2024
and Crl.O.P.No.1884 of 2024

S.C.Selvaraj ...Petitioner/Accused-5
in Crl.O.P.No.1961 of 2024

M.Selvam ...Petitioner/Accused-6
in Crl.O.P.No.1963 of 2024

Baskaran ...Petitioner/Accused-3
in Crl.O.P.No.1965 of 2024

1.K.Mariappan Nadar
2.D.Jayakumar Nadar ...Petitioners/Accused-7 & 8
in Crl.O.P.No.1713 of 2024

Vs.

State represented by
The Inspector of Police,
Economic Offence Wing – II,
Guindy, Chennai – 600 032.

(Crime No.7 of 2021)

... Respondent in all Crl.O.Ps

COMMON PRAYER:



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Criminal Original Petitions filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail concerned in Crime No.7 of
2021 on the file of the respondent police on such terms and conditions.

(In Crl.O.P.No.1961 of 2024)

For Petitioner : Mr.G.Karthic

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

(In Crl.O.P.No.1963 of 2024)

For Petitioner : Ms.M.Kokila

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

(In Crl.O.P.No.1965 of 2024)

For Petitioner : Mr.S.Senthilvel

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

(In Crl.O.P.No.1713 of 2024)

For Petitioners : Mr.Durai Kannan

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)



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COMMON ORDER

The 5th accused has filed Crl.O.P.No.1961 of 2024, the 6th accused has filed Crl.O.P.No.1963 of 2024, the 3rd accused has filed Crl.O.P.No.1965 of 2024 and the 7th and 8th accused have filed Crl.O.P.No.1713 of 2024, all seek bail in Crime No.7 of 2021, registered by the respondent police for the offences under Sections 409 & 420 of IPC and Section 76(1) r/w 4(1) of Chit Fund Act, 1982. Apart from these applications, the 9th accused has filed Crl.O.P.No.1884 of 2024 seeking anticipatory bail in the same crime number for the same offences.

2.It is the case of the prosecution that on a complaint with respect to the affairs of “Ambattur Nadargal Dharma Paripalana Sangam” at Ambattur in Chennai, it was found that the said Sangam had subscribed chits on promises that they would repay the amount to the subscribers on demand. Various customers had deposited amounts to the said Sangam. The total amount so deposited come to nearly Rs.1,99,00,000/-. Originally, it is stated that when one of the accused sought anticipatory bail, a learned Judge of this Court had appointed a former Judge of this



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Court as Commissioner to collect the monies. There had been a deposit of Rs.50,00,000/- by A2. Subsequently, A2 had been granted bail by the learned Principal Sessions Judge, by an order dated 22.12.2023 in CrI.M.P.No.32901 of 2023. This fact is stressed upon by the learned counsel for the petitioners stating that the petitioners herein should also be considered for grant of bail.

3.It is seen that A2 who had been granted bail had deposited a sum of Rs.50,00,000/-, but however had not handed over the title deeds of the property which had been purchased. One aspect which had prevailed upon by my learned predecessor to also include A7, A8 and A9 as respondents and subsequently who had been arrayed as accused is that they were the subsequent office-bearers of the aforementioned Sangam and that they had filed a civil suit in O.S.No.159 of 2020 before the District Munsif at Ambattur seeking injunction from alienating the said property. Coming to the opinion that by obtaining such injunction, the said accused/A7, A8 and A9 have frustrated any possibility of the amount being settled to the defacto complainant and to other complainants, the learned Single Judge of this Court directed that they should also be



included as respondents which indirectly implied them to be included as accused.

4.It is however brought to the notice of this Court that a memo has been filed to withdraw the said suit and by an order dated 23.01.2024, the learned District Munsif, Ambattur, dismissed the said O.S.No.159 of 2020 as withdrawn. But however, the issue of the title deeds of the said property still remains to be addressed. It is stated that A2 who had been granted bail is in possession of the title documents. It is also informed that the Principal Sessions Court, who had granted bail to A2 and had directed him to appear before the respondent everyday for a period of 30 days and since the period of 30 days had expired, had relaxed the said condition.

5.In view of that particular fact, a direction is issued to the respondent police/Investigating Officer to once again issue notice under Section 41-A of Cr.P.C., and also under provisions of law to A2 for calling upon him to produce the original title deeds of the property at Old No.59, 51 and New.No.21, Oragadam Village East, Banu Nagar, 15th



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Avenue comprised in Survey Nos.133/5, 133/6 133/7 patta bearing No.4364 as per patta Survey No.133/9, T.S.No.141 in Plot No.2 measuring an extent of 4242 sq.ft., in Ambattur Taluk, Thiruvallur District. The Investigating Officer may call upon A2 to hand over the original title deeds of the said property.

6.It is stated that the accused are now prepared to sell the property and settle the dues of the defacto complainant. Let me not examine any issue further but grant interim bail to the accused who are before this Court namely, A3, A5, A6, A7 and A8 till 14.03.2024 with certain conditions:

7.Accordingly, the petitioners/A3, A5, A6, A7 and A8 are ordered to be released on interim bail on condition to execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the Chief Metropolitan Magistrate, Egmore, Chennai, and on further conditions that: -

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of



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their Aadhar card or Bank pass Book to ensure their identity.

[b] all these aforementioned accused are directed to appear before the respondent police everyday at 10.30 a.m., till 14.03.2024 and surrender before the Chief Metropolitan Magistrate, Egmore, Chennai, on 14.03.2024. By that date, they should either sell the property or should present before this Court a constructive plan for selling the property and for settling the entire issue.

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

[d] the petitioners shall not tamper with evidence or witness 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.

8.Incidentally, A9 has filed CrI.O.P.No.1884 of 2024 seeking



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anticipatory bail. In view of the aforementioned arrangement made, interim protection from arrest is granted till 14.03.2024 to A9. But he must also appear before the respondent police everyday at 10.30 a.m., and co-operate during the course of investigation.

9.List all these matters on 15.03.2024.

06.02.2024

ata

C.V.KARTHIKEYAN. J.

ata

To

1. The Chief Metropolitan Magistrate, Egmore, Chennai.



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2. The Central Prison, Puzhal, Chennai.

3. The Central Prison, Puzhal -II, Chennai.

4. The Inspector of Police,
Economic Offence Wing – II,
Guindy, Chennai – 600 032.

5. The Public Prosecutor,
High Court of Madras.

Crl.O.P.Nos.1961, 1963, 1965 & 1713 of 2024
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