IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.05.2024

CORAM

THE HON'BLE MR. JUSTICE C.SARAVANAN

Crl.O.P.No.12304 of 2024

T. Umapathi,
S/o. Thangarajan ... Petitioner

Versus

State represented by,
The Deputy Superintendent of Police,
EOW,
Tiruvarur District.

(Crime No.5 of 2021). ... Respondent

PRAYER : Criminal Original Petition filed under Section 439 of Cr.P.C., pleased to enlarge the petitioner/accused-8 on bail in connection with C.C.No.02 of 2024 pending on the file of the Learned Special Judge Under Tamil Nadu Protection of Interests of Depositors (In Financial Establishment) Act, at Chennai.

For Petitioner : Ms. J. Jyothi

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition is filed under Section 439 of the Criminal Procedure Code to enlarge the petitioner/8th accused on bail in connection with C.C.No.02 of 2024 pending on the file of the Learned Special Judge Under Tamil Nadu Protection of Interests of Depositors (In Financial Establishment) Act, 1997, (in short "TANPID") at Chennai.

2. The petitioner is the 8th accused in Crime No.5 of 2021 before the respondent and he was arrested and remanded to judicial custody on 22.05.2024, for the alleged offences under Sections 120-B, 420, 406 of the Indian Penal Code (IPC) and Section 5 of the Tamil Nadu Protection of Interests of Depositors (In Financial Establishment) Act, 1997. Hence, he seeks bail.

3. The case of the prosecution is that the petitioner is one of the Directors of the 1st accused – Company, viz., M/s. TVR Benefit Ltd., along with the accused Nos.2 to 7 & 9 to 11. The said Company/A1 has collected a sum of about Rs.1,78,15,662/- from 46 different depositors on the promise to repay the same with interest upto 16%, but they did not repay the same as

agreed to, thereby, they have attracted the consequences of provisions under Section 5 of the Tamil Nadu Protection of Interests of Depositors (In Financial Establishment) Act, 1997.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent Police and perused the materials available on record.

5. Learned counsel for the petitioner would submit that the accused Nos.4, 5 and 9 have obtained an order of bail from this Court on 25.04.2024 in Crl.O.P.No.10064 of 2024. The 2nd accused who is one of the Directors of the said Company has also obtained bail in Crl.O.P.No.11959 of 2024, dated 16.05.2024. She also submits that the immovable assets of the A1/Company valued at Rs.1,05,86,108.40/- has already been attached pursuant to the guideline value prescribed in the G.O.No.235 dated 16.03.2024 under the provisions of Tamil Nadu Protection of Interests of Depositors (In Financial Establishment) Act, 1997. The petitioner/A8 is under the incarceration from 22.05.2024. Learned counsel submitted that the petitioner will co-operate with the investigation and will take steps to mobilize funds to discharge the

liability of the aforesaid Company. She further submitted that the petitioner, to show his *bona-fide*, is ready and willing to deposit a sum of Rs.2,00,000/-, to the credit of crime number before the court concerned, without prejudice to his defence and contention. Hence, she prayed for grant of bail to the petitioner.

6. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner/A8 who is one of the Directors of the accused/A1-Company, conspired with the other accused and cheated the depositors by promising them to repay the principal deposit amount along with interest upto 16%, but, they failed to do so at the time of maturity. He further submitted that the investigation is completed, final report has been filed and the case has been taken up on the file of the Special Court Under Tamil Nadu Protection of Interests of Depositors (In Financial Establishment) Act, at Chennai in C.C.No.2 of 2024. It is further submitted that the case is matured for trial except for the fact that some of the other accused (Directors of the Company) are absconding as on date.

7. Having considered the submissions made by the learned counsel

for the petitioner and the learned Government Advocate (Crl.Side) for the respondent, the orders passed by this Court in Crl.O.P.Nos.10064 & 11959 of 2024 on 25.04.2024 & 16.05.2024 respectively in granting bail to some of the co-accused (A2, A4, A5 & A9) and also considering the fact that the immovable property of the A1/Company has been attached, this Court is of the view that no useful purpose will be served in detaining the petitioner for custodial interrogation as the nature of crime is a white collar crime. Hence, the petitioner/A8 can be released on bail.

8. Considering the above, this Court is inclined to grant bail to the petitioner subject to the following conditions.

9. Accordingly, the petitioner is ordered to be released on bail on executing 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 Special Judge, Tamil Nadu Protection of Interests of Depositors (In Financial Establishment) Act, 1997 at 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 their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner is dircted to deposit a sum of Rs.2,00,000/- (Rupees Two lakhs only) to the credit of Crime No.5 of 2021, within a period of two weeks from the date of his release, failing which, the bail granted to him shall stand cancelled automatically and the respondent Police shall re-arrest the petitioner.

[c] the petitioner shall report before the trial Court on all hearings without fail and if any deviation in complying with this condition, the bail granted to the petitioner shall stand cancelled;

[d] the petitioner shall not tamper with evidence or witness during trial;

[e] the petitioner shall not abscond during 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];***

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

10. **Post the matter for reporting compliance on 12.06.2024.**

22.05.2024

klt

To

1.The Special Judge,
Tamil Nadu Protection of Interests of Depositors
(In Financial Establishment) Act, 1997 at Chennai.

2.The Deputy Superintendent of Police,
Economic Offences Wing,
Tiruvarur District.

3. The Superintendent of Prison, Central Prison,
Puzhal, Chennai.

4. The Public Prosecutor, High Court of Madras.

C.SARAVANAN., J.

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22.05.2024