



Crl.O.P.No.15430 of 2024

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody for the alleged offences punishable under Sections 406, 420 of IPC and Section 5 of TNPID Act, 1997 and Sections 3, 5 r/w 21 of the Banning of Unregulated Deposit Scheme Act, 2019, in Crime No.3 of 2019, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the accused had collected deposits from the general public by promising high returns in various schemes and failed to repay the depositors' principal amount as well as interest to the depositors. A total number of 61 FIRs have been registered on complaints being received at various places in State of Tamilnadu, Kerala and in Union Territory of Puducherry. FIRs also registered at Salem City Crime Branch, Sivagangai District Crime Branch, Nagarkoil Economic Offence Wing, Thiruvallur District Crime Branch. It is further alleged that the Income Tax Department has also conducted a raid in the first accused company and had seized Rs.9.82 crores and offered the same



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for taxation purposes on 31.03.2019 and they also frozen 12 bank accounts with balance of Rs.20.82 crores, under Section 132(9B) of IT Act, 1961. Thereafter, the entire case was transferred to TNPID Court at Coimbatore. Hence, the case.

3. Learned Senior Counsel for the petitioner submitted that this is the third application for bail filed by the petitioner/A2 and this Court had dismissed the earlier bail applications in Crl.O.P.Nos.660 & 7386 of 2024 vide order dated 29.02.2024 & 26.04.2024. He further submitted that the petitioner was enlarged on statutory bail by the TANPID Court, Coimbatore and since the petitioner failed to appear before the court, he was issued with a non-bailable warrant and further, in compliance of the order passed by this Court, the petitioner has filed a recall petition. Meanwhile, the trial Court had issued a show cause notice on the petitioner and pursuant to the same, he had given his explanation for his non-appearance, whereas, without considering the explanation and reasons, the learned Judge had cancelled the bail granted to the petitioner. He further submitted that non-appearance for a day could not be considered as a bases for cancellation of the bail.



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4. He further submitted that the petitioner was voluntarily surrendered before the learned Special Court for TNPID Cases, Coimbatore on 06.06.2023 and thereafter he was in jail for more than 300 days for which, the petitioner claims default bail under Section 167(2) of Cr.P.C for the second time. He further submitted that since a one-man commission was appointed and if the petitioner is released on bail, he would identify the property, based on which, those properties were sold to satisfy the needs of the depositors, therefore the presence of the petitioner is very much needed for the one man commission as well. He further submitted that he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

5. **In (2022) LiveLaw (SC) 577 [Satender Kumar Antil Vs. Central Bureau of Investigation & Another]**, the Hon'ble Supreme Court had examined the period of time to complete the investigation. It has been held as follows:-

39. Section 167(2) was introduced in the year 1978, giving emphasis to the maximum period of time to



complete the investigation. This provision has got a laudable object behind it, which is to ensure an expeditious investigation and a fair trial, and to set down a rationalised procedure that protects the interests of the indigent sections of society. This is also another limb of Article 21. Presumption of Innocence is also inbuilt in this provision. An investigating agency has to expedite the process of investigation as a suspect is languishing under incarceration. Thus, duty is enjoined upon the agency to complete the investigation within the time prescribed and a failure would enable the release of the accused. The right enshrined is an absolute and indefeasible one, inuring to the benefit of suspect.

41. As a consequence of the right flowing from the said provision, courts will have to give due effect to it, and thus any detention beyond this period would certainly be illegal, being an affront to the liberty of the person concerned. Therefore, it is not only the duty of the investigating agency but also the courts to see to it that an accused gets the benefit of Section 167(2).”

6. The learned Senior Counsel further submitted that since the



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investigation is not completed within a time, this petitioner is entitled for statutory bail for the second time.

7. Learned Government Advocate (Crl.Side) appearing for the respondent police raised objection for granting bail to the petitioner stating that the petitioner along with other accused was running a company in the name and style of Universal Trading Solution Private Limited at Coimbatore and by inducing the general public nearly about seventy six thousand under the guise of high returns, have collected deposits from them and cheated them to the tune of several crores and diverted the deposit amount by purchasing movable and immovable properties in their names and family members. Based on the complaint given by the victims/depositors, the case came to be registered and subsequently, the Income Tax Department had conducted a raid in the office of the accused, seized unaccounted cash and frozen more than twenty crores which were kept in the different bank accounts. He further submitted that more than 61 cases have been registered in the States of Tamil Nadu, Kerala and Puducherry against the accused. He further submitted that since the charge



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sheet was not filed in this case, he was granted statutory bail by the TNPID Court, Coimbatore and he failed to comply with the conditions, thereby, a non- bailable warrant was issued against him and subsequently, the bail was cancelled. He also submitted that this Court had dismissed the earlier bail application filed by the petitioner on a point of law.

8. He further submitted that the interim charge sheet has been filed on 26.06.2024 and he was not entitled for statutory bail on such remedy, for which, near about Rs.1300 crores was cheated. He further submitted that A1 to A5 is the company and A6 is the petitioner herein as per the charge sheet filed, who is the Managing Director of that company. He further submitted that five property was identified and overall cheated amount comes under Rs.26 crores. He further submitted that there were 1341 depositors in Tamil Nadu and 55 FIRs was registered against him in Tamil Nadu, Puducherry and Kerala and so far 598 complaints were received. He further submitted that it is the case where a huge amount of public money was involved in this case and the investigation is still going on, therefore, if the petitioner is released on bail at this stage, there is every possibility of him absconding and would tamper the witnesses and not



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available for further proceedings. However, he opposed for the grant of bail to the petitioner.

9. Considering the rival submissions made by the learned counsel on either side, it is seen that the accused, on the false promise of returning huge amount, collected money from more than seventy three depositors and cheated them to the tune of several crores. So far, there is no recovery of money and the properties already attached are also not sufficient to satisfy the depositors. Therefore, this Court is of the opinion that it is the case where a huge amount of public money was involved in this case and the investigation is still going on, therefore, if the petitioner is released on bail at this stage, there is every possibility of him escape from the clutches of law. Thereby, this Court is not inclined to grant bail to the petitioner.

10. Accordingly, this Criminal Original Petition is dismissed.

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