



Crl. O.P. No.24049 of 2024

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P. DHANABAL.J.,

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The petitioner / Accused, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 420 of IPC and Sections 21(3), 23 of the Banning of Unregulated Deposit Schemes Act 2019 and Section 5 of the Protection of Interest of Depositors (in Financial Establishment) Act, 1997 in connection with the Cr. No.19 of 2022 on the file of the respondent police and the same was taken cognizance in C.C. No.4 of 2024 on the file of the Special Court for TNPID Act, Chennai, seeks anticipatory bail.

2. The case of the prosecution is that A2 Solamuthu Rajan, had published an advertisement in the OLX website that they render services of leasing houses and believing the same, the defacto complainant had deposited a sum of Rs.9 lakhs and took possession of a house and few months later, a person claimed to be an original owner stated that the house was given for monthly rent and the rent was not paid, thereby, the accused have cheated the defacto complainant to the tune of Rs.9 lakhs. Hence the complaint.

3. The learned counsel for the petitioner would contend that the



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petitioner has been arrayed as an accused in this case and the respondent

police have registered a false case for the offences under Sections 420 of IPC and Sections 21(3), 23 of the Banning of Unregulated Deposit Schemes Act 2019 and Section 5 of the Protection of Interest of Depositors (in Financial Establishment) Act, 1997. Even according to the prosecution, the 2nd accused Solamuthu Rajan only published advertisement and he is the main accused and no specific overt act attributed as against this petitioner and this petitioner is only the Staff of the said company who worked for a salary of Rs.12,000/- per month and she joined only few months before the alleged occurrence. Investigation was completed and charge sheet was also filed as against the accused. Hence he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the offences are grave in nature. A1 is the company and A2 is the main accused and the defacto complainant has deposited a sum of Rs.9 lakhs and took possession of the house for rent and after 3 months, the original owner informed that the house was given for monthly rent and the same was not paid by A1 company and thereafter, it came to know that A2 has cheated the defacto complainant. On investigation, the respondent



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police have found that so many complaints were received as against the A2 and he took 252 houses for rent from 67 house owners and let out them on lease to 252 lessees and collected amount to the tune of Rs.17,26,73,936/- and misused the amount. A3, who is the broker, was arrested and he is still in judicial custody. Already investigation was completed and charge sheet was filed and hence he strongly opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side, considering the fact that already prime accused was arrested, investigation was also completed and charge sheet was also filed, as far as this petitioner is concerned, she is only an employee of A1 company and already absconding charge sheet was also filed against this petitioner and since, already the investigation was completed, there is no scope for custodial interrogation and there is no previous case pending against this petitioner, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the



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event of arrest or on his appearance, within a period of fifteen days from

the date on which the order copy made ready, before the

Special Court for TNPID Act, Chennai 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 and on further condition that:

[a] the petitioner shall report before the Special Court for TNPID Act, Chennai on all working days at 10.30 a.m. until further orders;

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[c] the petitioner shall not leave India without the previous permission of the Court;

[d] the petitioner shall not abscond 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 petitioner in accordance with law as if the conditions have been imposed



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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 269 B.N.S.2023.

28.10.2024

mjs

To

- 1.The Special Court for TNPID Act, Chennai.
2. The Public Prosecutor, High Court, Madras.
- 3.The Deputy Superintendent of Police, Economic Offence Wing, Ashok Nagar, Chennai District.

P.DHANABAL,J
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