



CRL O.P. No.24490 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 30.10.2024

Pronounced on : 18.11.2024

CORAM

The Hon`ble Mr.Justice P.DHANABAL

CRL OP.No.24490 of 2024

P.V. Deepak Govindh Prasad

... Petitioner /Accused-17

Vs

State rep. by:-

The Additional Superintendent of Police,
Economic Offences Wing-II,
HQRS, Chennai.
[Cr. No.7 of 2022]

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of

B.N.S.S., praying to grant bail to the petitioner/Accused in Crime No.7 of
2022 on the file of the respondent police.

For Petitioner : Mr. G. Ravikumar

For Respondent : Mr. R. Muniyapparaj,
Additional Public Prosecutor,
assisted by
Mr. Sylvester John

ORDER



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The petitioner/Accused, who was arrested and remanded to judicial custody on 08.07.2023 for the offences punishable under Sections 409, 120-B, 420, 406, 201, 204, 109, 34 of IPC read with Section 3, 5, 21(1), 21(2), 21(3), 23 and 25 of Banning of Unregulated Deposit Schemes Act 2019 and Section 58(B) of Reserve Bank India Act, 1934 and Section 5 of Tamil Nadu Protection of Interests of Depositors (In Financial Establishment) Act 1997 and in Cr. No.7 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that A1 Aarudhra Gold Trading Pvt. Ltd., and other accused invited deposits through advertisements in websites and social media at 21 branches in Aminjikarai, Anna Nagar, Perungalathur, Urapakkam, Avadi, Villivakkam, Chengalpattu, Uthiramerur, Tiruvallur, Nemili, Kanchipuram, Aarani, Cheyyar, Mangal SIPCOT, Vellore, Ranipet, Trichy, Madurai, Palayamkottai, Tirunelveli, Hosur and Krishnagiri and had been collecting deposits from the public with false promise of repaying exorbitant interest at the rate of 10% to 30% per month. As per the FIR, Rs.2522.63 crores were collected from 1,09,255 depositors through 30 bank accounts of the company and its



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Directors from the year 2020 and cheated the depositors. Hence the case.

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3. The learned counsel for the petitioner would contend that this petitioner has been arrayed as A17 in this case in Cr. No.7 of 2022 for the alleged offences under Sections 409, 120-B, 420, 406, 201, 204, 109, 34 of IPC read with Section 3, 5, 21(1), 21(2), 21(3), 23 and 25 of Banning of Unregulated Deposit Schemes Act 2019 and Section 58(B) of Reserve Bank India Act, 1934 and Section 5 of Tamil Nadu Protection of Interests of Depositors (In Financial Establishment) Act 1997. Already investigation was completed and 40 persons have been arrayed as accused in this case and this petitioner is A17 in the charge sheet and the case is now pending for framing of charges in C.C. No.9 of 2023. This petitioner was arrested on 08.07.2023 and remanded to judicial custody on the same day. Already this petitioner was sent to police custody from 12.07.2023 to 21.07.2023 and he fully cooperated with the respondent police, but no incriminating material was unearthed against the petitioner by the respondent police. As per the Charge sheet, copies were furnished to the petitioner and investigation is still pending, thereby, the petitioner



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is entitled to the statutory bail. Even according to the prosecution, this petitioner is one of the Directors of Aarudhra Garments Private Limited and Aarudhra Events and Managements Private Limited and he is involved in the collection of huge amounts of cash from the branch Directors of A1 company in the month of May 2022. Those amounts pertained to the unregulated deposits collected from the public through branches of A1 company and he stored those huge amounts of cash under his personal custody in connivance of A9 Rajasekar Veeraragavan. In fact, it is admitted case that the petitioner has not involved in collection of deposits and all the allegations mentioned in the charge sheet are hearsay and inadmissible. Already the investigating authorities have scrutinized the bank accounts of the petitioner and no any transaction in the bank account of the petitioner in respect of the alleged amount received from the public. Even according to the prosecution, the respondent police, on 01.03.2023, without his presence, seized the vehicles and no any specific seizure from this petitioner and this petitioner was unconnected with the seizure of the above said vehicles. Even as per the charge sheet, the A9 Rajasekar entered into conspiracy



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with A10 to A16 and this petitioner has been later implicated in the alleged conspiracy. Therefore, there are no any materials as against this petitioner and he is in custody from 08.07.2023 and hence he prayed to grant bail to the petitioner.

3.1. In support of his contention, the learned counsel appearing for the petitioner has relied upon judgment in ***Sanuj Bansal v. The State of Uttar Pradesh and another in Special Leave to Appeal (Crl) No.10536 of 2023.***

4. The learned Government Advocate (Criminal Side) would submit that totally there are 40 accused, out of 40 accused A1 to A8 are companies and A9 to A40 are the accused persons. Out of 32 accused, 26 accused were arrested and remanded to judicial custody. M/s. Aarudhra Gold Trading Private Limited/A1, so far collected deposits around Rs.2438 crores from about 1,09,255 depositors. The accused have not registered the company under SEBI Act. After registration of charge sheet on 20.05.2022, the principal conspirator Rajasekar



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Veeraraghavan/A9 along with Usha Vetrivel/A15, Senthilkumar/A12 and Micheal Raj/A14, absconded to Dubai, they concealed the documents related to the investment collection of A1 company on connivance with A35 Chandrakkannan and even destroyed some crucial information stored in the computers. They purposefully diverted huge amount of Cash to Dubrai with the help of A38/Pechimuthuraj @ Rafeeq. As far as this petitioner, who is arrayed as A17 and one of the Directors of the A1 company, is concerned, he was absconding for long time and he was arrested and remanded to judicial custody on 08.07.2023, so many vehicles were recovered from this petitioner and he was actively participated in the collection of cash from the branch Directors of accused company and kept under his custody and he was personally responsible and custodian for the cash collection of all the branches of A1 company as per the instruction of A9 Rajasekar. The petitioner, as a Director of A2 and A7 company, had regularly participated in the meetings of other Directors at the Star hotels, attended all inaugural functions of new branches of A1 company and involved in the canvassing and promotion of the deposit schemes of A1 comapny. Many



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complaints have been received and micro level investigation is required.

The further investigation reveals that the number of complaints and the quantum of money is being increased. In this case, huge money collected from lot of persons, is involved. Some more witnesses have to be examined to find out the truth regarding the diversion of money and transfer of properties done by the petitioner/accused and also A9, A15 are all absconding. Hence, at this stage, the petition is liable to be dismissed.

4.1. The learned Government Advocate appearing for the State has relied upon the following judgments in support of his contention.

4.1.1. *Y.S. Jagan Mohan Reddy vs. Central Bureau of Investigation reported in 2013(7) SCC 439.*

4.1.2. *State of Gujarat vs. Mohanlal Jitamaji Porwal reported in 1987 Supreme Court Cases 364.*

4.1.3. *Vinod Bhandari vs. State of Madhya Pradesh reported in (2015) 11 Supreme Court Cases.*

4.1.4. *Sohan Singh Rao vs. Union of India reported in (2022)*



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***4.1.5. Nimmagadda Prasad vs. Central Burearu of Investigation
reported in (2013) 7 Supreme Court Cases 466.***

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

6. Considering the rival submissions made on either side, considering the fact that further investigation is still pending and the petitioner is also one of the prime accused, who acted as one of the Directors of the A2 and A7 companies, that huge money of public is involved in this case and also considering the gravity of offences, I am declined to grant bail to the petitioner at this stage.

7. As far as the judgment relied upon by the learned counsel appearing for the petitioner is concerned, it will not be applicable to the present facts of the case as the facts are distinguishable.

8. As far as the judgments relied on by the learned Additional Public Prosecutor are concerned, the Hon'ble Supreme Court held that while dealing social economic offences, the Court meant to be very



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conscious and observed, the character of the accused, circumstances which are peculiar to economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The Economic offence having deep rooted conspiracies and involving huge loss of public funds needs to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country and also it is clear that the economic offender should not be dealt as general offender, because economic offenders run parallel economy and they are serious threat to the national economy. In the case on hand also, the allegations as against this petitioner are serious in nature and he was one of the Directors of the accused company. Therefore, the said case laws are squarely applicable to the present facts of the case.

9. As far as the contention of the learned counsel appearing for the petitioner that the petitioner is entitled for statutory bail is concerned, it is for the petitioner to work out his remedy before the appropriate forum in accordance with law.

10. Accordingly, the Criminal Original Petition is dismissed.



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index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
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P.DHANABAL,J

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To

- 1.The Special Judge, Special Court under the TNPID Act (Financial Establishment) Act, Chennai.
- 2.The Public Prosecutor, Madras High Court, Chennai.
- 3.The Additional Superintendent of Police, Economic Offences Wing-II, HQRS, Chennai.
4. The Superintendent of Police, Central Prison, Puzhal, Chennai.

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