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Crl. O.P. No.25049



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.10.2024

CORAM

The Hon'ble Mr. Justice P.DHANABAL

Crl. O.P. No.25049 of 2024

M. Kiran Kumar

Petitioner / A6

vs.

State represented by:

The Deputy Superintendent of Police,

Economic Offence Wing, Tiruppur,

Tiruppur District.

Complainant

.. Respondent/

[Cr. No.2 of 2024]

Prayer: The Criminal Original Petition is filed under Section 483 of B.N.S.S. praying to enlarge the petitioner on bail in the case in Cr. No.2 of 2024 on the file of respondent police.

For Petitioner : Mr. V. Babu

For Respondent : Mr. S. Vinoth Kumar,
Government Advocate (Criminal
side)

**ORDER**

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The petitioner / 6th Accused, who was arrested and remanded to judicial custody on 10.09.2024 for the offences punishable under Sections 120-B, 420, 406 of IPC, Sec 5 of TNPID ACT and sec 21(1), 21(2), 21(3) of BUDS Act 2019 in Cr. No.2 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that petitioners along with others had run the import and export business in the name and style of M/s. Mamuu Expo, M/s. Mamuu Expo. Market LLP and M/s. Mamuu Nidhi Limited and had canvassed the public to invest in their business and promised to give huge returns. Believing the words of the accused, the defacto complainant had totally deposited Rs.75 lakhs and the cheques issued by the accused were dishonoured. The accused canvassed the general public and collected the amounts, but failed to return the deposit amounts as assured by them and had defrauded to the tune of more than Rs.10 crores.

3. The learned counsel appearing for the petitioner would submit that the respondent police have registered a false case for the offences



under Sections 120-B, 420, 406 of IPC, Section 5 of TNPID Act and Sections 21(1), 21(2), 21(3) of BUDS Act. The petitioner is no way connected with the company and he is the son of 1st accused and he is no way connected with the commission of offences and this petitioner never took part in any of the day-to-day activities of the said companies and he has not received any single rupee from the defacto complainant and the petitioner is working in L&T company, since 2021 and the petitioner was arrested and remanded to judicial custody on 23.09.2024 and hence he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that based on the complaint given by the defacto complainant namely Ashokan Bharathi, this case has been registered. Based on the investigation, the companies namely Mamuu Expo., Mamuu Expo Market LLP, Mamuu Nidhi Ltd., and Mamuu International Private Limited were added as accused and also the investigation reveals that this petitioner along with others have collected deposits from the general public by promising to give high returns on various schemes and thereafter failed to return the amount and based on the confession statement of the accused, documents



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were also recovered and the account of the petitioner was already frozen by other police and this petitioner is also involved in other cyber crime cases, this petitioner was recently arrested and investigation is also pending and therefore, he strongly opposed to grant bail to the petitioner.

5. Considering the representations made on either side, considering the fact that already the prime accused were arrested and even as per the prosecution case, this petitioner is only the subscriber of the Mamuu Nidhi Limited and apart from that, there is no other allegations and no allegations that this petitioner had participated in the day to day affairs of the company and also collected money from the general public and this petitioner is also working in the L&T Company from 2021 and also considering the fact that there is no previous case pending against the petitioner and the petitioner is under judicial custody from 23.09.2024 and that the petitioner was also already taken into police custody, I am inclined to grant bail to the petitioner on the following conditions:-

[a] Accordingly, the petitioner is ordered to be released on bail on condition to 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 Special court under TNPID**

Act, Coimbatore and on further conditions that:

[b] the petitioner shall report before the respondent police daily at 10.00 a.m. until further orders.

[c] the petitioner shall not commit any offence similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the petitioner shall not abscond either during investigation or trial;

[e] 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 or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned Judicial 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



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Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

22.10.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
mjs

P.DHANABAL,J

mjs

To

- 1.Special court under TNPID Act
Coimbatore
- 2.The Public Prosecutor, Madras
High Court, Chennai.
- 3.The Deputy Superintendent of
Police,Economic Offence Wing,
Tiruppur,Tiruppur District.
4. The Superintendent of Police,
Central Prison, Coimbatore.

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