Crl.O.P.No.27376 of 2023

C.V.KARTHIKEYAN,J.

The petitioner/A9 in Crime No.2 of 2019, registered by the respondent police for the offences under Sections 406, 420, 120(B), 506(i) of IPC and Section 5 of TNPID Act, 1997, seeks anticipatory bail.

2.The learned counsel on behalf of the petitioner first pointed out that the petitioner was not arrayed as accused when an application seeking bail of one of the accused was considered in Crl.M.P.No.3224 of 2023 by the learned Special Judge, TNPID Court, Chennai, by order dated 23.08.2023. It is stated that the petitioner therein, Renaut Nivetha had filed the aforementioned application seeking bail and in that particular application, the stand of the respondents was that there were totally eight accused. It is therefore, contended that this petitioner was not an accused and therefore, the learned counsel stated that the materials to link this petitioner as an accused are not available with the prosecution.

3.It is also contended that this petitioner has no role at all with the Company. It is stated that the Hon'ble Supreme Court had stayed the First Information Report as against the Company and as a matter of fact, had stayed nine separate First Information Reports. It is therefore contended that when investigation had been stayed to that particular extent by the Hon'ble Supreme Court, there cannot be any further progress in the investigation.

4.The learned counsel also pointed out that the High Court of Kerala had granted anticipatory bail to similarly placed individuals. References have also been made to similar orders passed by other High Courts and therefore, parity is sought that this Court should also grant anticipatory bail to this particular petitioner.

5.The learned counsel also pointed out and drew my attention to the complaint which had been given on 27.04.2023 by Rohit Infant Raj, that when he attended a meeting at Residency Hotel in T.Nagar, wherein one of the accused by name Catherine and another accused by names Nivetha and yet other accused by name Vijay, Rajendran and Mariappan had cajoled him to part with amounts promising higher returns. It is pointed out that the name of this petitioner was not mentioned in the complaint dated 27.04.2023. Pointing out the two factors namely that the name of this petitioner was not mentioned by the prosecutor when the bail applications of Catherine and Renaut Nivetha was considered by the learned Special Judge and also the name of the petitioner was not in the complaint given by the Rohit Infant Raj on 27.04.2023, the learned counsel stated that the petitioner has been unnecessarily implicated as an accused.

6.A counter affidavit has been filed on behalf of the respondent wherein they had stated with respect to this petitioner, he had arranged and conducted a Q Net meeting on 09.10.2021 at Esthell Village Resort for a period of three days and had motivated the investors to deposit a sum of Rs.4,10,000/- under various schemes and that one Joyal Paulraj, through Rohit Infant Raj had transferred amounts to Renaut Nivetha and the balance amount to Anthony Jefrey. It is evident that investigation is at an extremely nascent stage. The respondents are still in the process of collecting details about the manner in which the entire network happened.

7.The Companies have branches across the country not only in Tamil Nadu but also in other states. It is stated that one of the prime accused is abroad and therefore, with the available accused investigation is being proceeded with. It is stated that only after the arrest of A6 on 25.10.2023, was this accused added as a further accused. It is therefore explained when the complaint was given on 27.04.2023, or when the order was passed granting bail on

23.08.2023, this petitioner was not an accused since only subsequently after A6 had been arrested did his role come to light and he had been arrayed as accused on 25.10.2023.

8. It is further contended that material records will have to be obtained and the list of those who had suffered at the hands of the Company by depositing their valued amounts without any return will have to be determined. It is stated that the prime accused is abroad and the respondents are still gathering information. It is also contended that since the Company had spread its branches to other States, there are orders sporadically passed by the other Courts but so far as this petitioner is concerned, his role has now come to light only after 25.10.2023 and therefore, investigation will have to be done more specifically relating to the manner in which he had induced people to deposit money in the Company.

9.The total amount has exceeded Rs.3.40/- crores. The role of the petitioner was not known to the respondent when the earlier complaint was given in July 2023 and when the order was passed by the Special Judge for TNPID Cases, Chennai in August 2023. It came to light subsequently in October 2023 and therefore, this petitioner has been arrayed as A9 in the FIR. Therefore, it is evident that the presence of the petitioner and his interrogation is very much required as the interest of the depositors will have to be kept in mind by this Court as they have lost their valuable money in the hope that they would get higher interest, placing trust on the all the accused persons.

10.In view of all these facts, since further investigation will have to be done, I am not able to agree with the arguments advanced on behalf of the petitioner. Accordingly, this Criminal Original Petition is dismissed.

14.02.2024

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