



WEB COPY



Crl.OP.Nos.28784, 28788 and 28790 of 2023

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C.V.KARTHIKEYAN. J.

The petitioner/A5 has filed Crl.OP.No.28784 of 2023, the petitioner /A6 has filed Crl.OP.No.28788 of 2023 and the petitioner/A3 has filed Crl.OP.No.28790 of 2023, all in Cr.No.7 of 2021 registered under Sections 420, 409 IPC and Section 76(i) r/w 4(i) of the Chit Fund Act 1982. All the petitioners had been remanded to custody on 27.11.2023. They seek bail.

2. It is the case of the prosecution that on a complaint with respect to the affairs of Ambattur Nadargal Dharma Paripalana Sangam at Ambattur in Chennai, it was found that the said Sangam had subscribed chits on promises that they would repay the amount to the subscribers on demand. Various customers had deposited amounts to the Sangam. The total amount so deposited comes to nearly Rs.1,99,00,000/-. Originally, it is stated that when one of the accused sought anticipatory bail, a learned Judge of this Court had appointed a former Judge of this Court as



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Commissioner to collect the monies. There had been a deposit of Rs.50,00,000/- by A2. Subsequently, A2 had been granted bail by the learned Principal Sessions Judge, by an order dated 22.12.2023 in Crl.MP.No.32901 of 2023. This fact is stressed upon by the learned counsel for the petitioners stating that the petitioners herein should also be considered for grant of bail.

3. The learned Government Advocate (Crl.Side) however raised very strong objections and stated that there has been a subsequent development in that, on 08.01.2023, two further accused have been arrested and applications have to be filed seeking police custody of the said accused and it is stated that therefore investigation would be widened on the basis of the information received from those two accused.

4. In all the three applications, intervening applications have been filed and the learned counsels for the Intervenor stated that the Intervenor had deposited a sum of about Rs.30,00,000/- to the said Sangam and had not seen the colour of the coin being returned as on



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date. It is stated that though a sum of Rs.50,00,000/- was directed to be deposited and the same has been deposited, but, still there is no flow out of such money or even a portion of that amount to the intervenor. It is therefore stated that bail should not be granted to the petitioners herein.

5. I have carefully considered the arguments. This is a case where the petitioners, whatever be their designations were at some point of time directly or indirectly involved with the affairs of Ambattur Nadargal Dharma Paripalana Sangam at Ambattur in Chennai. The Sangam could have restricted its work to do some social work and helping those in needs, but, on the other hand, they had taken it as an object to collect money from various people with promise to return the same. They had been very effective in collection, but very poor in return of the money. They were able to collect more than Rs.1.99 crores, but there are no records to show that any of those depositors had been paid back the amounts which had been collected from them. The deposit of Rs.50,00,000/-, can hardly be said to be voluntarily since it was done as a condition for grant of anticipatory bail. There is no voluntarily disclosure



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by the accused either the total amount collected or to come forward to deposit any amount.

6. The learned counsel for the petitioners originally stated that the petitioners would deposit totally a sum of Rs.25,00,000/- and later stated that they would deposit Rs.30,00,000/- or Rs.40,00,000/- or whatever amount this court stated. It is not for the Court to impose such conditions as any condition imposed of that nature on the basis of statement made by the counsel for grant of bail, could be easily termed as onerous and the conditions would automatically be interfered with.

7. The investigation is at a crucial stage, since two of the accused have been arrested on 08.01.2024 and from further information will have to be obtained by the respondents about the total number of persons who have been cheated and the total amount involved. At this stage, I am not inclined to grant bail and I am not also inclined to take on record the oral statement made by the counsel to throw money as if he has more than sufficient money and randomly mentioned Rs.25,00,000/-,



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Rs.30,00,000/- and Rs.40,00,000/-. The said arguments are rejected. The petitions are liable to be dismissed.

8. Accordingly, these Criminal Original Petitions are dismissed.

11.01.2024

Vv



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