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Crl.O.P.No.28811 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/A10 seeks anticipatory bail in Crime No.12 of 2022 registered by the respondent Police for the offences punishable under Sections 420, 120 B of IPC and Section 5 of Tamil Nadu Protection of Interest of Depositors Act.

2. The petitioner was an employee in M/s.Zensar Technonolgy Limited at Pune. The petitioner had retired from that particular company and later had joined in M/s.Nobal Legacy Management Private Limited and was in charge of the accounts.

3. It is stated that A2, who was involved in the said company directly, collected about Rs.123/- crores from about 149 gullible investors and the amounts just vanished and none of the persons who deposited the amounts got return of the same.

4. It is also seen that A3, A4, A8 and A9 had been arrested. A3 and



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A8 had been granted bail under Section 167(2) Cr.P.C. Similarly, A9 had been granted bail but A9 had not yet executed the sureties. A2, the Managing Director still absconding. Quite interestingly, he is in communication with the petitioner and also had addressed an e-mail to the petitioner, advising the petitioner to disable all electronic items and apply for anticipatory bail.

5. This statement on 13.02.2024 is very significant since on 06.02.2024, this Court had granted Interim Protection to the petitioner only for the limited purpose to divulge information about A2. After that order had been passed by this Court, A2 had sent a communication to this petitioner to disable all devices which would only indicate that the petitioner should be careful that no information about A2 should be given. The petitioner must realise the duty towards the Court.

6. Having had the benefit of Interim Protection for a limited duration, the petitioner should have co-operated with the investigating agency by disclosing facts not already known to the investigating agency, that would constitute facts discovered during the course of investigation. Merely going over and informing them about various details which they



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already know cannot constitute a bona fide reaction from the petitioner herein. The amount involved is huge, nearly about Rs.123 Crores and there are 149 individuals who have deposited various amounts and who have been suffering from such deposits.

7. In view of all these facts, since investigation has to be proceed further and the petitioner has the knowledge of modality and functioning of the accused, particularly A2, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

8. After this order was dictated, a memo was forwarded by the learned counsel for the petitioner that the petitioner had given a Pen Drive to the investigation officer. The fact that a Pen Drive was given is noted and deeply appreciated by this Court, but there is no change in the nature of the order passed.

28.02.2024

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