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*Crl.M.P.No.20242 of 2023
in Crl.A.No.911 of 2023*

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M.NIRMAL KUMAR, J.

This criminal miscellaneous petition is filed to release the petitioner on bail by suspending the sentence imposed against the petitioner in C.C.No.2 of 2014 dated 12.07.2022 by the learned Special Judge, Special Court under the Tamil Nadu Protection of Interests of Depositors Act Cases, Coimbatore.

2.The contention of the learned counsel for the petitioner is that the petitioner has been falsely implicated in this case. The petitioner is neither an employee nor an agent of A1 Firm and it was A2 and A3 who are the partners of A1 Firm and they collected the deposits from the public and cheated them. The only case against the petitioner is that the petitioner received Rs.23.5 lakhs from A2 for forex trading but according to the petitioner, this amount was already returned to A1 which has not been considered by the Trial Court. He further submitted that in this case already A6 and A7 were acquitted and the petitioner is entitled for the same benefit.

3.On the other hand, the learned Government Advocate [Crl. Side]



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opposed the contention of the petitioner stating that if the petitioner paid Rs.23.5 lakhs, on the arrest of A2 he could not have produced the cheque of the petitioner from his custody. Further, A2 had clearly stated that this amount is due from the petitioner and which amount had been diverted and given from the account of A1 Firm. He further submitted that in this case the petitioner cannot be considered along with other accused since the other accused participated in the trial. As far as the petitioner is concerned, he failed to appear on the date of judgment, he absconded and with great difficulty, a Special Team was formed and thereafter, the petitioner was arrested on 30.06.2023 in Green Ritch Lodge at Seelanaickenpatti, Salem. At that time, the petitioner submitted that he is taking treatment for high sugar and hence, he was taken to Government Hospital, Namakkal. Then the Escort Constable took him to Rubi Lodge near Coimbatore Railway Station intending to produce the petitioner before the Court. On that day, during the early hours at about 3.30 a.m., the petitioner pulled the Constable and escaped from the custody of the Police and a case was registered against him in Crime No.287 of 2023 for the offence under Sections 323 and 224



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IPC. He further submitted that after serious search the petitioner was found in Hyderabad and he was arrested in Surabi Lodge, Narappalli on 16.07.2023 and thereafter, he was confined in Central Prison, Coimbatore. He would further submit that the petitioner has not paid the fine amount which has to be given as compensation to the innocent depositors.

4.In reply, the learned counsel for the petitioner submitted that in the case in Crime No.287 of 2023, the petitioner had already been granted bail.

5.Though very many grounds were raised by the learned counsel for the petitioner, considering the conduct of the petitioner this Court is not inclined to consider the same. Accordingly, this criminal miscellaneous petition stands dismissed.

29.01.2024

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