



CRL OP(MD). No.21168 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 11/12/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.21168 of 2024

Rajkumar

... Petitioner/ Accused Rank not known

Vs

The State of Tamil Nadu,
The Inspector of Police,
Economic Offences Wing II,
Tirunelveli District.
(Crime No.1 of 2020.)

... Respondent/Complainant

For Petitioner : Mr.A. Robinson, Advocate

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.1/2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police
for the alleged offence under Sections 120(B), 406 and 420 IPC and Section 5 of



CRL OP(MD). No.21168 of 2024

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Tamilnadu Protection of Interest of Depositors(In Financial Establishment) Act, 1997 and Sections 3, 4, 5 and 21 of Banning of Unregulated Deposit Schemes Act, 2019 in Crime No.1 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused persons started an investment Company dealing in FOREX trading. They started collecting money and various depositors had parted with their money. Subsequently, the money was not repaid back and hence one complaint after another were given before various police stations. Initially six separate cases were registered in Crime Nos.41, 42, 51, 52, 53 and 54 of 2020 by Tirunelveli City Crime Branch. As per the directions issued by this Court, all these cases were clubbed along with Crime No.1 of 2020, which was investigated by the Economic Offences Wing, Tirunelveli. There was yet another FIR registered at Coimbatore and the same was also clubbed along with this case. There are totally seven accused persons in this case and the petitioner has been arrayed as A5. He is none other than the father of A2.

3.A status report has been filed by the investigation officer. It is stated that totally 196 depositors have preferred complaints for a total defaulted amount of Rs.12,42,72,682/- out of this amount Rs.8,06,43,561/- was repaid back to 184 depositors. Thus, a sum of Rs.4,36,29,621/- is payable by the accused persons to the remaining depositors. Thirteen immovable properties were identified in the course



CRL OP(MD). No.21168 of 2024

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of investigation and steps are being taken to attach these properties as per the procedure given under the TANPID Act.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the investigation has been completed and the police report has been filed before the TANPID Court, Madurai and the same is yet to be taken on file. In the police report, this petitioner has been shown as absconding accused.

5.The learned counsel appearing for the petitioner submitted that already A2 to A4 were granted anticipatory bail by this Court in Crl.O.P(MD)No.9901 of 2020, by order, dated 24.09.2020.

6.Taking into consideration the facts and circumstances of the case and considering the status report that has been filed by the investigation officer and also considering the fact that the investigation has been completed and the police report has already been filed before the Court and during the pendency of the investigation, repayment was made to substantiate amount of depositors and A2 to A4 were granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is ordered and the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned The Special Judge, Special Court



CRL OP(MD). No.21168 of 2024

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Constituted under Tamilnadu Protection of Interest of Depositors Act, 1997, Madurai, on condition that the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police every Monday and Friday at 10.30 am for a period of six weeks and thereafter, appear before the Court below during every date of hearing.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

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

[f] on breach of any of the aforesaid conditions, the learned 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



CRL OP(MD). No.21168 of 2024

learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court

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in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under

Section 269 of BNS 2023.

sd/-

11/12/2024

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Sub-Assistant Registrar

(C.S.I / II / III / IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.

LR

To

1.The Special Judge,
Special Court Constituted under Tamilnadu Protection
of Interest of Depositors Act 1997,

Madurai.

2.The Inspector of Police,
Economic Offences Wing-II,
Tirunelveli District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.A.ROBINSON, Advocate (SR-15246[I] dated 11/12/2024)



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CRL OP(MD). No.21168 of 2024

ORDER

IN

CRL OP(MD) No.21168 of 2024

Date :11/12/2024

ED/ SKN /SAR- (26/12/2024) 6P / 5 C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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