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Crl.O.P.No.21976 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2025

CORAM

THE HONOURABLE MR. JUSTICE K. RAJASEKAR

Crl.O.P.No.21976 of 2025

S.Biju

... Petitioner/ A14

Vs

The State
By The Deputy Superintendent of Police,
Economic Offences Wing-II-CID,
Kancheepuram, Kancheepuram District.
(Crime No.02 of 2019)
C.C.No.06 of 2025)

... Respondent+

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in event of his arrest, pending investigation in Crime No.02 of 2019 in C.C.No.06 of 2025 registered vide order dated 07.03.2025 on the file of Special Court under the Act, 1997.

For Petitioner : Mr. Shreehari Kutsa
For Respondent : Mr.S.Udayakumar
Government Advocate (Crl. Side)

ORDER

The petitioner apprehends arrest for the alleged offence under Sections 420, 409, 109 and 120(b) of IPC r/w Section 5 of the TNPID Act, 1997 and Section 21(1)(2)(3) and 23 of the BUDS Act in C.C.No.06 of 2025 and Crime



No.02 of 2019 pending on the file of the Special Court under the TNPID Act, 1997, Chennai.

2. The case of the prosecution is that, the petitioner herein is one of the Independent Representative of the Accused No.1 company by name M/s.Vihaan Direct Selling (India) Pvt. Ltd., colluded with other accused and influenced more than 190 depositors; that thereby collected a sum of Rs.5,63,63,286/- from them and thereafter, failed to repay the amount back to the depositors. Based on a complaint received from one of the depositor namely M. Rameshwari, the respondent police registered a case in Crime No.02 of 2019. Subsequently, the case was investigated and final report was filed in C.C.No.06 of 2025 pending on the file of the Special Court under TNPID Act, 1997, Chennai. In the final report, the specific allegation against this petitioner/A14 is that, he as an Independent Representative (IR) of the A1 Company had collected the deposit amount of Rs.5,00,000/- from the the depositors in the company and defrauded them.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and the case of the prosecution is false and the petitioner was summoned by the Investigating Agency under Section 41-A of Cr.P.C on 20.06.2024 and the petitioner/A14 also appeared before the Investigating Agency and explained every facts during the interrogation. However, the



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Investigating Agency has filed the final report as if the petitioner/A14 had absconded and obtained Non-Bailable Warrant and executed the same. He further submitted that NBW was issued against the co-accused/A3 and subsequently, A3 filed an anticipatory bail application in Crl.O.P.No.20639 of 2025 before this Court and the same was allowed on 29.07.2025. He further submitted that the petitioner is ready to abide by any conditions that may be imposed by this Court and sought for anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent while opposing the anticipatory bail to the petitioner, reiterated the prosecution case and on instruction submitted that A1 company had cheated their depositors by collecting money as deposits, issuing e-coupons from the amounts collected and delivering substandard products. He also submitted that already a detailed investigation conducted by examining witnesses and charge sheet filed before the Trial Court and the Trial Court on perusal of the same, took cognizance of the case and NBW issued against the petitioner and other accused.

5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case and the fact that the investigation was completed and charge sheet already filed, the co-accused



was already granted anticipatory bail and there is nothing to show that the petitioner has evaded summons, this Court is inclined to grant anticipatory bail to the petitioner subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on 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 Special Judge, Special Court for TNPID Act cases, Chennai on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 conditions that:

[a] If the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled;

[b] The sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[c] **the petitioner shall appear before the Trial Court**



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concerned on all hearing dates without fail;

[d] the petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall make himself available for interrogation by a Police officer as and when required;

[f] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

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

[h] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]**;

[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

16.09.2025

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K. RAJASEKAR, J.



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- To
1. The Special Judge,
TNPID Court, Chennai.
 2. The Deputy Superintendent of Police,
Economic Offences Wing-II-CID,
Kancheepuram, Kancheepuram District.
 3. The Public Prosecutor,
High Court of Madras.

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