IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.01.2025

CORAM

The Hon`ble Mr.Justice P.DHANABAL

CRL O.P. No.26097 of 2024

1.Girija W/o. Kirupakaran ...Petitioner/ A29
2. Manjularani C/o. Sivasubramaniam ... Petitioner / Accused 27&51

Vs

State rep. by:-

The Deputy Superintendent Of Police,
Economic Offences Wing, Chennai ... Respondent
[Cr. No.9 of 2024]

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioners/Accused in Crime No.9 of 2024 on the file of the respondent police.

For Petitioner : Mr. Raja M

For Respondent : Mr. E. Raj Thilak,
Additional Public Prosecutor

ORDER

The petitioners / Accused 29 and 27, who apprehend arrest in the hands of the respondent police for the offences punishable under

Sections 318(4), 61(2), 316(5) and 49 of B.N.S., Section 5 of TNPID Act 1997, Sections 3 and 4 of Prize Chit and Money Circulation Schemes (Banning) Act 1978 and Section 3 and 6 read with 21(1), 21(2) and 21(3) of Banning of Unregulated Deposit Scheme Act 2019 in connection with the Cr. No.9 of 2024, seek anticipatory bail.

2. Based on the complaint given by the Sub Inspector of Police, Cyber Crime Police Station, Coimbatore against a company namely MYV3ADS and its directors, this case was initially registered in Cr. No.3 of 2024 on the file of Central Crime Branch, Coimbatore and thereafter, it was transferred to the file of Economic Offence Wing, Head Quarters, Chennai. The case of the prosecution is that, when the Sub-Inspector of Police, Cyber Crime Police Station, Coimbatore was monitoring the cyber related offences in the internet, he came to know about an APP called MY V3 ADS and the said company had supplied Ayurvedic products and in order to entice the general public to invest huge money and to become members in various categories of the proposals of MY V3 ADS, the said company announced attractive offers with lucrative and

illogical profit. The main accused / A23 Sakthi Ananthan started 19 new firms in various districts along with 70 other accused persons and totally collected amount in various categories from public to the tune of Rs.2533 crores. Hence the case.

3. The learned counsel for the petitioners would contend that the respondent police have registered a false case against the petitioner for the offences 318(4), 61(2), 316(5) and 49 of B.N.S., Section 5 of TNPID Act 1997, Sections 3 and 4 of Prize Chit and Money Circulation Schemes (Banning) Act 1978 and Section 3 and 6 read with 21(1), 21(2) and 21(3) of Banning of Unregulated Deposit Scheme Act 2019. In this case, no complaint was filed by the aggrieved persons and the Sub-Inspector of Police, Cyber Crime Branch police, Coimbatore only has lodged the complaint and based on his complaint, the case was registered for the offences under Sections 3 and 4 of Prize Chit and Money Circulation Schemes (Banning) Act, 1978 and Sections 3 and 6 r/w 21(2) of the Banning of Unregulated Deposit Scheme Act 2019 and thereafter, the case was transferred to the Economic Offence Wing, Chennai by altering

offences under Sections 318(4), 61(2), 316(5) and 49 of B.N.S., Section 5 of TNPID Act 1997, Sections 3 and 4 of Prize Chit and Money Circulation Schemes (Banning) Act 1978 and Section 3 and 6 read with 21(1), 21(2) and 21(3) of Banning of Unregulated Deposit Scheme Act 2019. FIR has been registered against 71 persons. These petitioners have been arrayed as A 29 and A27 and they have not involved in any of the offences as alleged in the FIR. They have been falsely implicated in this case. Already co-accused A37 to A39 were granted anticipatory bail by this Court and A23, who was the Managing Director of the company was also released on bail by the Special Court, TNPID Act, Chennai and hence prayed to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) would submit that the main accused A23 Sakthi Ananthan is one of the partner in all the firms along with other accused. These petitioners along with all the other accused have circulated pamphlets and whatsapp messages by announcing schemes and thereby, collected huge money from the public to the tune of Rs.2533 crores. This case was initially registered on the

file of Cyber Crime Police, Coimbatore and thereafter, it was transferred to the file of the Economic Offence Wing, Coimbatore and investigation in this case is at initial stage. Therefore, he strongly opposed to grant anticipatory bail to the petitioners.

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

6. Considering the rival submissions on either side, considering the nature of offences, there is no specific allegation that from whom, these petitioners collected money and no any complaint received from the public and already the main accused was granted bail by the Special Court for TNPID Act, Chennai, and this Court has also granted anticipatory bail to the similarly placed persons in this case, even according to the prosecution case, all the alleged offences are arising out of the documents, thereby, there will be no chance for tampering the evidence and there is no previous case pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy made ready, before the **Special Court under TNPID Act, Coimbatore** on condition that the petitioners shall each 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 learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the **Economic Offence Wing, Coimbatore** daily at 10 a.m. until further orders.

[b] the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[c] the petitioners shall not leave India without the previous permission of the Court;

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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)AIR SCW 5560].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.2023.

08.01.2025
[2/6]

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To

1.The Special Court under TNPID Act, Coimbatore.
2.Public Prosecutor, High Court, Madras.
3.The Deputy Superintendent Of Police, Economic Offences Wing, Chennai.

P.DHANABAL,J

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08.01.2025
[2/6]