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Crl.O.P.No.26847 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2025

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.26847 of 2025

Irshath Ali Mustafa

... Petitioner

Vs.

State by the Inspector of Police,
Economics Offences Wing,
Kanchipuram.
C.C.No.6 of 2025.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to grant Bail to the petitioner in the event of his arrest pending investigation in C.C.No.6 of 2025 on the file of the Special Court, Tamilnadu Protection of Interest of Depositors Court, City Civil Court Campus, Chennai.

For Petitioner : Mr.S.Rajakumar

For Respondent : Mr.S.Udayakumar
Government Advocate (Criminal Side)



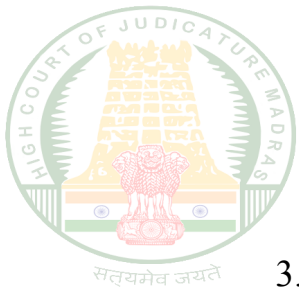
Crl.O.P.No.26847 of 2025

ORDER

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The petitioner apprehends arrest for the alleged offence under Sections 318(4), 316(2), 61(2) and 351 of the Bharathiya Nyaya Sanhita Act, 2023 in C.C.No.06 of 2025 pending on the file of the Special Court, Tamilnadu Protection of Interest of Depositors Court, City Civil Court Campus, Chennai.

2. The case of the prosecution is that, the petitioner herein is one of the Independent Representative of the Accused No.1 company, which colluded with other accused and influenced more than 190 depositors; and 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 depositors 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. The allegations against this petitioner/A-20 is that he received the money/deposits from the independent representative and the said amount was partially deposited in A-2-Proprietary Concern.



Crl.O.P.No.26847 of 2025

WEB COPY

3. The learned counsel appearing for the petitioner submitted that the co-accused/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 is conducted by examining witnesses and charge sheet has been 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



CrI.O.P.No.26847 of 2025

WEB COPY

the investigation was completed and charge sheet was already filed and that the co-accused was already granted anticipatory bail, 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 **Special Court, Tamilnadu Protection of Interest of Depositors Court, City Civil Court Campus, 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



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CrI.O.P.No.26847 of 2025

copy of any one of the identity proofs to ensure their identity;

[c] the petitioner shall appear before the Trial Court 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



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Crl.O.P.No.26847 of 2025

can be registered under Section 269 of BNS.

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06.10.2025

To

1. The Special Court,
Tamilnadu Protection of Interest of Depositors Court,
City Civil Court Campus, Chennai.
2. The Inspector of Police,
Economics Offences Wing,
Kanchipuram.
3. The Public Prosecutor,
High Court of Madras.

K.RAJASEKAR, J.

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Crl.O.P.No.26847 of 2025

Crl.O.P.No.26847 of 2025

06.10.2025