

In the Court of the Special Judge
under the Tamil Nadu Protection of Interest of Depositors
(in Financial Establishment) Act, 1997

Chennai – 600 104.

Present: Thiru. G. Karunanithi, B.Sc., M.L.,
SPECIAL JUDGE

Thursday the 6th day of July 2023

CrI.M.P.No. 2592/2023

in

Crime No. 7/2022

J. Malathy, F/A 55 years,
W/o. Johnson

... Petitioner/Accused No.22

Vs.

The State represented by
The Additional Superintendent of Police,
Economic Offences Wing-II, CID, Ashok Nagar,
Chennai.

... Respondent/Complainant

This petition coming on this day for final hearing before me in the presence of M/s. R.S. Kirubakaran, K. Manikandan counsel for petitioner/Accused and of M/s. T. Babu, Special Public Prosecutors (Criminal) for the Respondent/Complainant and upon hearing the arguments on both sides and upon perusing the documents on record and having stood over for consideration till this day, this court delivered the following:

ORDER

This petition has been filed under section of 437 Cr.P.C. by the petitioner/Accused to enlarge him on bail in Crime No.7/2022, EOW, Chennai for the alleged offences 420, 409, 120(B), 34, 109 of IPC r/w. Sec.3, 5, 21(1), 21(2), 21(3), 23, 25 of BUDS Act 2019 and Sec. 58(B) of RBI Act 1934 and Section 5 of TNPID Act.

2. It is stated in the petition that the petitioner/accused was working as an employee in the Aarudhra Golding Trading Company, Aminjikarai Branch, as a branch incharge. The petitioner had discharged her duty at said branch, she had no role with other major works or day to day activities in the financial management. The petitioner was arrested and remanded to judicial custody on 24.03.2023 and she is in jail for the past 95 days. The petitioner is also a heart patient, already she underwent cardio attack and to treat the blockages in a coronary artery in her heart. The petitioner's health condition is deteriorating day by day in the prison. The petitioner is now in prison under judicial custody for long time and she could not approach the doctors for medical treatment or check-up. The above said factors the petitioner is put to untold hardship, physical strain and mental depression, which ultimately caused heavy blood pressure and also drastic increase of sugar level higher in her blood. She is very innocent. She cooperated the Investigation continuously. The entire investigation has been completed in the above case and the respondent police filed the charge sheet before this court. The petitioner is ready to abide by any

conditions that may be imposed by this court. Hence he prays to release the petitioner on bail.

3. It is stated in the counter affidavit is that the petitioner/A19 had acted one of the additional director of A1 company. She collected unregulated deposits of Rs.33,93,50,000/- from 1960 depositors through direct mode and her 23 agents. She also involved her two sons and one daughter to assist her in the collection of deposits. She played an important role in A1 company. She also diverted a part of the amount collected as deposits to purchase cars and gold ornaments. The petitioner/19 along with other accused conspired to collect the deposits. She misappropriated the money collected as deposits by diverting huge amount of money to his personal gain and thereby defaulted the repayment of deposits to the public. The Medical officer has given fit for judicial custody when the petitioner/A19 was remanded on 24.03.2023 after the police custody. The petitioner/A19 had been lodged by the aggrieved depositors with the police. The final report was filed on 20.06.2023 in respect of the allegations of the case, the investigation is being continued u/s. 173(8) of Cr.P.C, 1973 and the outcome of the further investigation will be submitted in details to this court on completion of the further investigation. The charge sheet which includes the absconding accused has been filed and the major part of the investigation is pending for (1) Examining digital evidences seized through the searches, (2) To secure the absconding accused and to interrogate them to obtain the real facts of this case, (3) To identify the properties of the accused and to proceed for the property attachment by the Government. If the petitioner/A19 released on bail,

she will not co-operate with the investigation for the recovery of the huge amount of cash and gold she conceals. Hence he objected to grant bail to the petitioner.

4. Point for consideration is :

Whether the petitioner/A22 is entitled to get bail ?

5. **Point:** Heard both sides. Records perused. The counsel for petitioner and Special Public Prosecutor have submitted the facts as mentioned in the petition and counter. Further the counsel for the petitioner submitted that the petitioner is aged about 55 years and she is having several ailments and health issues. She is also a heart patient, already she underwent cardio attack. In the month of May 2022, she was admitted in Malar Hospital, Adyar wherein she was diagnosed an acute coronary syndrome (ACS) which refers to three types of coronary artery disease and its a medical emergency that can cause unstable angina and heart attack due to artery blockage and also coronary Artery Disease (CAD) is a type of heart disease, some times called coronary heart disease or ischemic heart disease. The doctors advised her to undergo PCI to LCX (left circumflex) by fixing STENT. Hence the petitioner forced to admit in Madras Medical Mission Hospital, Mugappair, Chennai. On 29.10.2022, she underwent ANGIO treatment for percutaneous coronary intervention (PCI) to treat the blockages in a coronary artery in her heart and thereafter the doctors considering her conditions and for restoring blood flow to her heart, fixed STENT in the artery. Thereafter she advised to take medicine perfectly as per their advice and informed her to visit the hospital for regular check to monitor her heart functioning condition. As per doctors advice she ought to go for regular medical check up where

she was given treatment. Now she is in prison under judicial custody for long time, she could not approach the doctors for medical treatment or checkup. The counsel for the petitioner further submitted that the petitioner is in serious condition and admitted in the Stanley Hospital and taking treatment in ICU. The petitioner's family willing to give treatment in the private hospital. Further the petitioner is in judicial custody for 105 days. She is only employee. Hence he prays to grant bail to the petitioner.

6. Considering the fact that she is one of the employee of M/s. Aarudhra Gold Trading Company Pvt Ltd and now she is admitted in Stanley Hospital in serious condition and for taking treatment to their wish to save the life of the petitioner woman this court inclined to grant interim bail to the petitioner on the medical ground.

In the result, the petition is allowed and interim bail is granted with the following conditions.

1. The petitioner/accused shall execute a bond for Rs.10,000/- each with two sureties each for like sum.
2. The petitioner/accused shall attend in accordance with conditions of bond.
3. The petitioner/accused shall not commit any offences similar to the alleged offences in the case.
4. The petitioner/accused shall not abscond either during investigation or trial.
5. The petitioner/accused shall not tamper with the evidence and shall not make any inducement, threat or promise to any persons.

6. The petitioner shall surrender before this court on 27.07.2023.

Dictated by me to Steno-Typist, he directly typed in computer, corrected and pronounced by me in open court this the 6th day of July 2023.

SPECIAL JUDGE

Copy to :

1. The Additional Superintendent of Police,
Economic Offences Wing-II, CID, Ashok Nagar,
Chennai.
2. The Superintendent, Central Prison (Women),
Puzhal , Chennai.