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OBE 5 (BA) in MPID Spl. Case No.2042/24

**BEFORE THE DESIGNATED COURT UNDER M.P.I.D. ACT
CITY CIVIL & SESSIONS COURT, MUMBAI**

**ORDER BELOW EXHIBIT NO.5(BAIL APPLICATION)
IN
MPID SPECIAL CASE NO.2042 of 2024**

Madhaiyan Margesan Udaiyar]	
Age- 36 years]	
Residing at Room No.1101, 11 th floor, DHL]	
Vishvaparakash CHS, Andheri(W),]	
Mumbai- 400 053		<i>Applicant/</i>
Currently lodge at Byculla Central Prison,		<i>Accused No.3</i>
Byculla.		

Versus

The State of Maharashtra]	
At the instance of DCB CID, Mumbai]	<i>Respondent</i>
(C.R.No.59 of 2004)		

Appearances:-

Ld. Advocate Premlal Krishnan for the Applicant/ Accused No.3.
Ld. SPP Suryavanshi for the State/ Respondent.

**CORAM : HIS HONOUR JUDGE
N. P MEHTA,
(Court Room no. 7)**

DATE : 4th February, 2025.

ORAL ORDER

1. The present application is moved by the applicant/Accused No3 **Madhaiyan Margesan Udaiyar**, under Section 480 of Bharatiya Nyaya Sanhita, 2023 for releasing him on bail.
2. A case bearing C.R. No.59 of 2024 is registered with D.C.B. C.I.D. Police Station (C.R. No.398 of 2024 registered with Varsova Police Station) against the present Applicant for the offences punishable under Sections 406, 409, 420, 506(2), 201, 120(B) of the Indian Penal Code,

1860 (hereinafter referred as “IPC”) as well as Sections 3 and 4 of The Maharashtra Protection of Interest of Depositors Act, 1999 (hereinafter referred as “MPID Act”).

2. Application is resisted by the Prosecution by filing its say at Exhibit No.5-R.

3. It is the case of the prosecution that accused accepted money from the various investors in chit fund scheme physically and through Online mode. The said amount collected in chit fund scheme was invested by the accused in share trading through accused No.1. The investors in chit fund scheme did not get their deposits back with interest as agreed by the applicant/accused. The depositors got deceived. During the course of investigation, it transpired that total amount of Rs.9,63,00,000/- have been diverted in the account of the applicant/accused. With the help of said money, applicant/accused had purchased house and landed property in the name of his near and dear ones at his native place. During the course of investigation, applicant/accused came to be arrested and presently, he is in judicial custody.

4. During the hearing of this bail application, applicant/accused filed Pursis informing this court that he is ready and willing to deposit Rs.2 Crores in the court. The applicant/accused has already deposited Rs.1 Crore in the court via Demand Drafts of Rs.50 lakhs each and undertakes to deposit another Rs.1 Crore during the period of 3 months. The applicant/accused is in judicial custody since last more than 2 months. His bail application is not being decided on merits. He has shown his bonafides to return back some of the money of the

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depositors. Taking into consideration the said circumstance and he has no objection in distributing the deposited money amongst the investors equitably, this court is inclined to release the applicant/accused on bail. However, the applicant/accused is directed to deposit Rs.1 Crore(Rupees One Crore) within 3 months as undertaken by him, failing which, his bail shall be cancelled. Hence, I proceed to pass the following order:-

ORDER

1. The present Application below Exhibit No.5 in MPID Special Case No.2042 of 2024 is hereby allowed and disposed of.
2. Applicant/accused No.3 **Madhaiyan Margesan Udaiyar** is hereby released on bail in connection with C.R. No.59 of 2024 registered with Property Cell, D.C.B. C.I.D.(arising from C.R. No.398 of 2024 registered with Versova Police Station) against the present Applicant for the offences punishable under Sections 406, 409, 420, 506(2), 201, 120(B) of the Indian Penal Code, 1860 and Sections 3 and 4 of The Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999, on furnishing PR bond of Rs.1,00,000/- (Rupees One Lakh only) with one or more sureties in the like amount.
3. Applicant/accused is directed to deposit Rs.1 Crore(Rupees One Crore) within 3 months as undertaken by him, failing which, his bail shall be cancelled.
4. Applicant/accused is permitted to furnish provisional cash bail of Rs. 1,00,000/- (Rupees One Lakh only) for a period of 6 weeks from today. (After Treasury Hours is allowed).
5. Applicant/accused to make surety compliance before Court.
6. Applicant/accused 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 him to disclose such facts to the Court or to any other authority.
7. Applicant/accused shall remain present before the Court on the dates fixed for recording evidence and hearing of the case. If

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applicant/accused want to remain absent, then he shall take prior permission of Court and in case of unavoidable circumstances for remaining absent, he shall immediately give intimation to the Court and in that case applicant/accused shall remain present through his counsel, who shall conduct the case without obtaining date if it is fixed for evidence of witness. Applicant/accused counsel shall conduct cross examination of witnesses in absence of applicant/accused, and accused identity shall not be disputed.

8. Applicant/accused shall surrender his passport before the Investigating Officer within a period of one week of his release.
9. Applicant/accused shall not leave India without prior permission of Court.
10. Applicant/accused shall not alienate any movable and immovable property in his name or in the name of his wife/children if any, without permission of Court.
11. Applicant/accused shall furnish his contact number and residential address along with residential address and contact number of his two near relatives to the Investigating Officer and shall keep him updated, in case there is any change.
12. Applicant/accused shall attend the dates of trial regularly.

(Dictated and pronounced in the open Court.)

Date: 4.2.2025
Mumbai

(N. P. Mehta)
Designated Judge under
The Maharashtra Protection of
Interest of Depositors Act, 1999,
for Gr. Bombay

Dictated on : 4.2.2025
Draft given on : 4.2.2025
Signed by HHJ on : 4.2.2025

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CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL
SIGNED JUDGMENT/ORDER

Name of Stenographers: B.S.Parab

Upload date and time:7.2.2025 at 3.49 p.m.

Name of the Judge	H.H.Judge Shri N. P Mehta
Date of Pronouncement of Order	4.2.2025
Order signed by P.O. on	4.2.2025
Order uploaded on	7.2.2025