



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Twenty Seventh day of March Two Thousand Fifteen

PRESENT

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The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) Nos.5702 of 2014 and 3845 & 4967 of 2015

A.CHANDRA ... PETITIONER / ACCUSED NO.2
in CRL.OP.NO.5702/2014

SATHEESHKUMAR ... PETITIONER / ACCUSED NO.1
in CRL.OP.NO.3845/2015

M. CHELLAMANI ... PETITIONER / ACCUSED
in CRL.OP.NO.4967/2015

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
KARUR. CRIME NO. 1 OF 2014.

... RESPONDENT / COMPLAINANT
IN ALL THE CRL.OPs

- 1 MURUGESAN
- 2 K.NANDAKUMAR
- 3 P.SUDHAKAR
- 4 C.THIRUPPATHY
- 5 R.NAGARAJAN
- 6 M.SIVASUBRAMANIAN
- 7 VELMURUGAN
- 8 P.SELVAM
- 9 M.BASKARAN
- 10 T.SARAVANAKUMAR
- 11 K.SENTHAMILSELVAN
- 12 K.PRABAKARAN
- 13 P.MADHIYALAGAN
- 14 S.KARUPPAIAH
- 15 M.SAKTHIEL
- 16 N.MANIVEL
- 17 P.MURUGESAN
- 18 M.MURUGESAN
- 19 R.HEMNATH
- 20 M.THANGAVEL
- 21 N.VIJAYAKUMAR,
- 22 P.NAGARAJAN
- 23 MEHALA
- 24 JEYANTHI
- 25 S.MURUGESAN

<https://hcservices.ecourts.gov.in/hcservices/>

...INTERVENOR IN CRL.OP.NO.5702/2014



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For Petitioner : M/S.K.BAALASUNDHARAM, Advocate
in CRL.OP.NO.5702/2014

: M/S.R.ALAGUMANI Advocate in CRL.OP.NO.3845/2015

: M/S.K.SAMIDURAI Advocate in CRL.OP.NO.4967/2015

For Respondent : MR.A.P.BALASUBRAMANIAN, ADDITIONAL PUBLIC PROSECUTOR
in all the CRL.OPs

For Intervenor : MR.K.GOKUL, Advocate in CRL.OP.NO.5702/2014

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

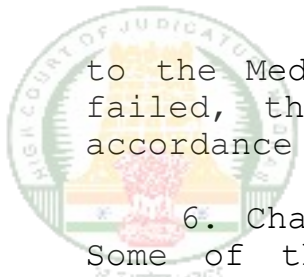
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 420 IPC in Crime No.1 of 2014 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned counsel for the petitioners, the learned counsel for the defacto complainant and the learned Government Advocate (Crl.Side) appearing for the State.

3. Initially, Crl.O.P.(MD) No.5702 of 2014 was referred to the Mediation Centre and a failure report dated 28.11.2014 has been received from there. The defacto complainant in this case is one Nandakumar.

4. The case of the prosecution is that Satheeshkumar (A1) / petitioner in Crl.O.P.(MD) No.3845 of 2015 is the husband of one Chandra (A2) / petitioner in Crl.O.P.(MD) No.5702 of 2014. Satheeshkumar and Chandra are Advocates. The crux of the allegations in the FIR is that Satheeshkumar and Chandra collected money from various persons to the tune of over Rs.50,00,000/- on the promise of getting jobs in the Madurai Bench of Madras High Court as Office Assistant, Dafedar etc. After receiving the money, they neither got them the jobs nor returned the money. Hence, on the complaint given by one of the victims, this case came to be registered by the Police on 26.01.2014 for the offences under Sections 406 and 420 IPC.

5. This is second anticipatory bail petition and the first petition in Crl.O.P.(MD) No.22586 of 2013 filed by Satheeshkumar and Chandra was dismissed on 18.03.2014 for non appearance of their counsel. Crl.O.P.(MD) No.5702 of 2014 was filed by Chandra before this Court on 19.03.2014 and on the representation of the accused that the matter could be settled with the victims, it was referred



to the Mediation Centre. As stated above, since mediation efforts failed, the matter was sent back to this Court for disposal in accordance with law.

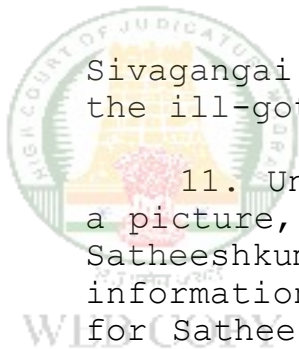
6. Chandra's petition came up before this Court on 05.02.2015. Some of the victims have also entered appearance through their counsels as Intervenor in this case and submitted that a total sum of Rs.53,00,000/- has been received by Sateeshkumar and Chandra.

7. Learned counsel for Chandra submitted that Chandra married Satheeshkumar in the year 2011 and that she is also a victim of Satheeshkumar's machination. During the course of argument, learned counsel for Chandra created a picture as if Chandra got estranged from Satheeshkumar and that she had not conspired with Satheeshkumar as alleged by the prosecution and that she is always ready and willing to settle the amounts to victims. Learned counsel for Chandra further submitted that she has one property, which she is willing to dispose and disburse the proceeds to various victims.

8. Recording this statement, this Court, by order dated 05.02.2015, directed Chandra to file an undertaking affidavit and give the original documents relating to the said property. On 13.02.2015, Chandra filed an undertaking affidavit and submitted the original documents of her property, which were received by the Registrar (Judicial) on the direction of this Court and kept in safe custody. On the suggestion of the counsels appearing for Chandra and the defacto complainant, Mr.A.K.Manickam and Mr.S.Ramasamy, Advocates, were appointed as Advocate Commissioners by this Court to sell the property and distribute the proceeds to the victims proportionate to the amount of money that were given by them. Interim anticipatory bail was granted to Chandra upto 02.03.2015.

9. Mr.A.K.Manickam and Mr.S.Ramasamy earnestly took up the matter and issued an advertisement in the local newspaper for sale of the property, but unfortunately they did not get any purchasers. It was represented by the learned Advocate Commissioners that, prospective purchasers are wary of purchasing the property, as they fear that it is mired in litigation involving Advocates, that too, in relation to appointments in the High Court. This is quite understandable.

10. Scinting that this Court had granted interim anticipatory bail to Chandra (A2), Satheeshkumar moved a petition in CrI.O.P.(MD) No.3845 of 2015, seeking anticipatory bail with the assurance that he will co-operate with the investigation and disclose all the properties, purchased with the tainted money in the name of his wife Chandra. This Court granted interim anticipatory bail to Satheeshkumar on 04.03.2015 upto 11.03.2015. While granting interim anticipatory bail, this Court had directed Satheeshkumar to appear before the respondent police for interrogation. On 11.03.2015, both anticipatory bail petitions were heard and during the course of argument, learned counsel for Satheeshkumar submitted that Chandra has opened a locker in the name of one Chellamani, landlady of the house in which Chandra lives, in Indian Bank, Thiruppathur Branch,



Sivagangai District, where all the jewels that were purchased with the ill-gotten money by Chandra are kept.

11. Until then, the learned counsel for Chandra was portraying a picture, as if Chandra is penniless and she has been abandoned by Satheeshkumar to fend for herself with her child. When this information was disclosed in the open Court by the learned counsel for Satheeshkumar, this Court directed the Investigating Officer to collect all the particulars from Indian Bank, Thirupathur Branch, Sivagangai District with regard to the locker that is in the name of Chellamani. The case was thus adjourned to 19.03.2015. and the interim anticipatory bail was extended for both.

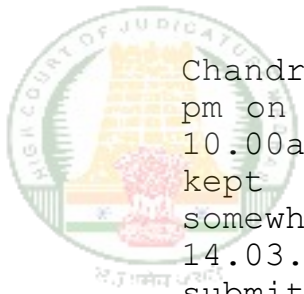
12. On 16.03.2015, Chellamani moved a petition in CrI.O.P.(MD) No.4967 of 2015 and contended that she has only let out a portion of her house to Chandra and she has been falsely implicated in this case. This Court adjourned the said petition to 19.03.2105 to be heard along with the anticipatory bail petitions of Chandra and Satheeshkumar.

13. On 19.03.2015, the Investigating Officer filed a status report, in which he has disclosed startling facts. During the interrogation of Satheeshkumar (A1), it came to light that he had purchased several properties in the name of Chandra and also bought gold ornaments to the tune of 60 sovereigns, which Chandra had kept in the locker opened in the name of Chellamani in the Indian Bank, Thirupathur Branch.

14. It may be relevant to recapitulate that the locker issue was projected by the learned counsel for Satheeshkumar during his arguments on 18.03.2015, which prompted this Court to give a direction to the Police to immediately verify the same. Now, it may be relevant to extract Paragraph Nos.14 and 15 of the status report filed by the Investigating Officer:

"14. The accused Sathishkumar gave confession on 09.03.15. In the confession, the accused Sathishkumar disclosed the fact that he was purchased 60 sovererigns of Gold from one Subethar Jewellery in Thirupathur and it was handed over to accused A2 Chandra. Accused A1 Sathishkumar also confessed that one Chellamani who is the House owner of A1 & A2. She has opened a locker in Indian Bank, Thirupathur Branch with the help of accused A1 Sathishkumar. The A1 Sathishkumar has also confessed that the jewel may be kept in the locker of said Chellamani. On the Hon'ble High Court Order dated 11.03.15, a letter was sent to Indian Bank Thirupathur Branch on 12.03.15 for requesting to freeze the said locker as well as a account of said Chellamani.

15. I come to know that, on the day itself that is 11.03.15, the Hon'ble High Court order was communicated to Chandra by her advocate namely Tmt.Mariya Roslin. In turn the accused A2 Chandra communicated the matter to said Chellamani who is in Thirupathur as per the advice of A2



Chandra, said Chellamani opened the locker at about 02.00 pm on 11.03.15 and also opened the said locker on 12.03.15 10.00am. So I have the strong suspicious that the jewels kept in the locker was supposed to be hide out in somewhere else. The said Chellamani summoned by me on 14.03.15. On enquiry, she was denied everything and she submitted that she was opened the locker on 11.03.15 and 12.03.15. Again she summoned on 16.03.15 for enquiry. Without appearing for enquiry she filed a petition in Madurai Bench of Madras High Court in Crl.O.P.No.4967/15 for Anticipatory Bail."

15. From the above assertion of the Investigating Officer, it is obvious that the moment this Court passed the order with regard to the locker on 11.03.2015, Mrs.Maria Rosalin, Advocate under whom Chandra was a Junior, immediately contacted Chandra and informed her of the orders passed by this Court and Chandra in turn alerted Chellamani, who has opened the locker on the same day and removed all the jewels by 2 p.m. Police also produced the mobile call details in order to show that Mrs.Maria Rosalin, Advocate had spoken to Chandra on 11.03.2015 at 13:09 hrs. and Chandra had spoken to Chellamani at 13:17 hrs. and the locker was opened on the same day. The most agonising fact is, this is a case relating to an offence concerning the High Court, which provides not only bread and butter, but also respect and status for the practitioners in the Society. If the assertion of the Police is true, then it means that the said counsel is running with the hare and hunting with the hound. I would like to prefer to live in the illusion that Advocates would not resort to such sharp practices rather than suffer depression on their conduct.

16. The respondent police arrested one Thangadurai, brother of Chandra on 14.03.2105 and even in his statement, he has clearly stated that Satheeshkumar, Chandra and he together conspired to cheat unwary job seekers. In his statement, he has also stated that Chandra was working as Junior under Maria Rosalin and Chandra was not having sufficient income and that suddenly, she has acquired lot of properties.

17. On a conspectus of the facts obtaining in this case, there are sufficient materials to show that Chandra, Satheeshkumar, Thangadurai and Chellamani are all part of the conspiracy to commit the offence and share the spoils.

18. In the result, all the Criminal Original Petitions are dismissed and the interim anticipatory bail granted is vacated and it is open to the Police to arrest the petitioners and proceed with the matter in accordance with law.

19. With regard to the documents of Chandra that are with the Registrar (Judicial), this Court directs the Registrar (Judicial) to hand over the documents to Mr.G.R.Swaminathan, learned Assistant Solicitor General of India, who argued the case before me on behalf of the counsel on record for Chandra, under proper acknowledgement.



20. This Court places on record its profound thanks to Mr.A.K.Manickam and Mr.S.Ramasamy for coming forward to act as Advocate Commissioners in this case *probono*.

sd/-
27/03/2015

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Sub-Assistant Registrar (C.S.)

TO

- 1 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, KARUR.
- 2 THE ADDL.PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 3 THE ADDITIONAL SUPERINTENDENT OF POLICE, HEAD QUARTERS, KARUR DIST.

Copy To:

THE REGISTRAR(JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1cc to Mr.K.GOKUL, Advocate Sr.No. 15710
+1cc to Mr.G.MARIMUTHU, Advocate Sr.No. 15736
+1cc to Mr.K.SAMIDURAI, Advocate Sr.No. 15323
+1cc to Mr..Balasundaram , Advocate Sr.No. 15302

ORDER IN
CRL OP(MD) Nos.5702 of 2014
and 3845 & 4967 of 2015
Date :27/03/2015

AA/01.04.2015/6p- 9c/