



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

Thursday, the Twenty Third day of July Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

WEB COPY

CRL OP(MD) No.7285 of 2015

1 THANGAMMAL
2 VASYDEVAN
3 E.GOVINDARAJ
4 K.RAMESH
5 S.MUTHUSAMY
6 M.TAMILARASAN
7 N.VELUSAMY
8 M.SETHUMANI

... PETITIONERS / ACCUSED NOS.8,9,10,11,12,14,15 AND 16

R.S VAIYAPURI

...INTERVENER

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ECONOMIC OFFENCE WING NO.II,
KARUR. (CRIME NO. 1/2015)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.PANDIARAJAN Advocate

For Respondent : Mr.K.V.RAJARAJAN, Government Advocate(crl.side)

For Intervener : R.MATHIYALAGAN, ADVOCATE

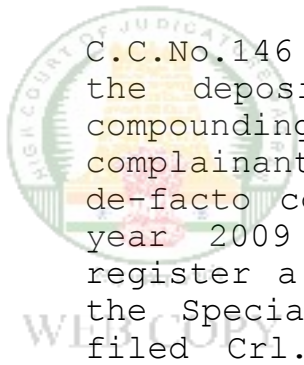
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.8 to 12, 14, 15 and 16, apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 420 of I.P.C., r/w. Section 5 of TANPID Act in Crime No.1 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2. According to the de-facto complainant, the accused were running a finance company in the name and style of K.V.S. Investments, K.V.S. Enterprises and K.V.S. Diamond and they have collected deposits from the de-facto complainant as well as from the general public, but they failed to return the amount even after maturity and thereby cheated the de-facto complainant.

3. The learned counsel for the petitioners submitted that a case was registered against the accused in the year 2009 and the respondent had filed a charge sheet which was taken on file in



C.C.No.146 of 2010. The accused have settled the entire amount with the depositors and the accused were acquitted based on the compounding application filed by the accused and the de-facto complainant in the earlier case. It is further submitted that the de-facto complainant was well aware of the case registered in the year 2009 and he also filed CrI.O.P.(MD).No.15886 of 2011 to register a case and this Court directed the petitioner to approach the Special Court. Based on the order, the de-facto complainant filed CrI.M.P.Nos.3056 and 3057 of 2012 and the petitions are allowed, but the police has not taken any action. Subsequently, the present complaint was filed after three years in the year 2015 which is not sustainable in law.

4. Per contra, the learned counsel for the intervenor submitted that after the orders passed by the Special Court in CrI.M.P.Nos.3056 and 3057 of 2012, the accused approached the de-facto complainant and paid Rs.3,80,000/- out of the total deposit of Rs.8 lakhs and sought further time to pay the balance amount of Rs.4,20,000/-. It is further submitted that after the criminal case was disposed of by the Special Court, the accused have failed to pay the balance amount and therefore, the present complaint is given. The learned counsel for the intervenor submitted that the de-facto complainant is not a party in the earlier case and therefore, the present complaint is maintainable.

5. Heard the learned Government Advocate (CrI.side).

6. Considering the fact that the accused have paid part of the amount in the year 2013 and failed to pay the balance amount of Rs.4,20,000/- to the de-facto complainant, I am of the opinion that the present complaint is maintainable and the accused are not entitled for anticipatory bail. Hence, the petition is dismissed.

sd/-
23/07/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

2.THE INSPECTOR OF POLICE
ECONOMIC OFFENCE WING NO.II, KARUR.

+1. CC to M/S.N.SHANMUGA SELVAM, Advocate SR.No.41225

+1CC TO MR.R.MATHIYALAGAN,ADVOCATE IN SR NO.40495

ORDER

IN

CRL OP(MD) No.7285 of 2015

Date :23/07/2015

RG.29.07.2015

2P.5C.