

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Ninth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.15998 of 2018

MANIVANNAN,

[PETITIONER / ACCUSED]

Vs

STATE REP. BY
INSPECTOR OF POLICE,
CCB POLICE STATION,
SALEM CITY.
CR.NO.6 OF 2018

[RESPONDENT]

For Petitioner : M/S.R.NALLIYAPPAN Advocate

For Respondent : MR. M.MOHAMED RIYAZ, ADDL. PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner seeks anticipatory bail in Crime No.6 of 2018 registered by the respondent police for the offences punishable under Sections ***420** and 506(i) of I.P.C.

2. The case of the prosecution as per the de-facto complainant one Manikandan is that he is a real estate dealer, involved in building constructions in the name of Sai Builders and Promoters. The further allegation is that the petitioner, who is the Managing Director of RMV Group of Companies induced him to invest an amount of Rs.2,82,00,000/- in the business and promised to give dividends and incentives at 10% of the invested amount and as per the promise, he should have given back Rs.3,10,20,000/-, whereas, he had cheated by not paying the incentives. Further, believing the petitioner/accused, the defacto complainant's relatives have also invested in the Company. The further allegation is that when the defacto complainant had gone to the house of the petitioner/A1, his relatives viz., father-in-law and mother-in-law and the wife of the petitioner/A1 told the defacto complainant that the amount will be settled at the earliest. While so, on 16.02.2018 around 7.30.p.m, while the defacto complainant along with his brother Karthikeyan were going near Salem Valluvar Statue in a two wheeler, the petitioner/A1 along with his brothers Ram and Lakshmanan, had threatened him that he should not ask for return of money otherwise instead of repaying the amount, they will spend Rs.1.00 crore and do away with them.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that it is a case of money dispute, which has been falsely projected by the defacto complainant as a case of cheating. He would submit that the entire family members were unnecessarily dragged on and putting pressure to the respondent police. He would submit that even as per the complaint, the amounts were said to have been paid by the defacto complainant to the petitioner/A1 was during the period from 30.09.2016 to 31.07.2017 and the marriage of the petitioner took place only on 03.11.2017, whereas the wife and in-laws of the petitioner were unnecessarily implicated in this case, which would expose the falsity of the complainant. The learned counsel for the petitioner also filed typed set of papers stating that the entire principal amount has been refunded to the defacto complainant and he would also produce the copies of the cash vouchers and also the Bank statements to prove that the principal amount has been repaid to the defacto complainant. However, he would submit that there was a dispute with regard to the dividends and by a false complaint, the defacto complainant attempting to settle the civil dispute. He would also submit that the other accused have filed quash petition in CrI.O.P.No.11403 of 2018 before this Court and this Court has granted interim stay until further orders.

4. The learned Additional Public Prosecutor would submit that the petitioner induced the defacto complainant and his relatives to invest an amount of Rs.2,82,00,000/- on the promise of returning the money with incentives and dividends, when the defacto complainant demanded for the return of the money, the accused have threatened him.

5. I have gone through the typed set of papers filed by the learned counsel for the petitioner. Taking into consideration the facts of the case and the submissions made by the learned counsels, I am inclined to grant anticipatory bail to the petitioner.

6. 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 learned Judicial Magistrate-V, Salem, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten 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 condition 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 petitioner shall report before the respondent police daily at 10.30.a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the 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)AIR SCW 5560]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
09/07/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

*** OFFENCE IS AMENDED AS PER ORDER IN CRL.MP.9845/2018 IN CRL.OP.15998/2018 DATED 26/07/2018**

*** TIME FOR SURRENDER IS EXTENDED BY TWO (2) WEEKS.**

TO

1 THE JUDICIAL MAGISTRATE,
NO.V, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CCB POLICE STATION,
SALEM CITY.

+1 CC to M/S.R.NALLIYAPPAN Advocate on payment of necessary charges-Sr.12557
SR.No.14114

CRL OP.15998/2018

Date :09/07/2018

ths : 16.07.2018

ths : 01.08.2018