



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 07/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.7352 of 2019

A.Moorthy @ Manthiramoorthy ... Petitioner/Accused No.1

Vs

1.State through
The Inspector of Police,,
City Crime Branch,
Tirunelveli District
in Crime No. 11 of 2019 Respondent

2.Mr.C.Suresh Kumar ... Petitioner/Defacto
complainant/Intervenor

For Petitioner : Mr.Prabhu Rajadurai
for Mr.T.Lenin Kumar

For Respondent : V.Neelakandan,
Additional Public Prosecutor

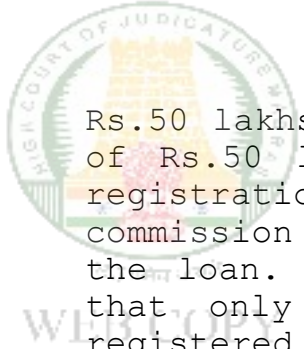
For Intervenor :M/s.Veera Associates

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

ORDER : The Court made the following order :-

This petition has been filed by the accused No.1 seeking anticipatory bail for the alleged offences punishable under Sections 417, 418, 420, 465 and 468 I.P.C.

2.The case of the prosecution is that the defacto complainant is running a private Company in the name and style of KC Dairy Products Private Limited, Vedasanthur, Dindigul. For business expansion, the defacto complainant approached A-1 (the petitioner) and A-3 Kalidass and they have promised the defacto complainant that they will arrange a loan for a sum of Rs.50 crores loan from A-2 Balasubramanian. Based on the said promise, on 24.01.2018, the defacto complainant had executed three promissory notes for a sum of



Rs.50 lakhs at Alangulam Sub Registrar Office and transferred a sum of Rs.50 lakhs from his bank account to A-2's bank account for registration expenses and also paid a sum of Rs.50 lakhs as cash for commission charges. Later, all the accused prolonged disbursement of the loan. On verification, the defacto complainant came to know that only one promissory note for a sum of Rs.10 lakhs was registered.

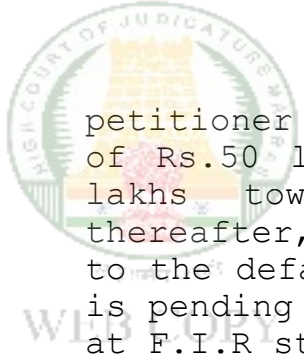
3.The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that there was a dispute between A-2 and the defacto complainant with regard to money transaction and the matter was taken up by the petitioner for mediation and in pursuance of the said mediation, A-2 has paid Rs.20 lakhs to the defacto complainant and since there is a delay on the part of A-2 in paying the balance amount, the defacto complainant has lodged a false complaint against the petitioner and others. He further submitted that even though the petitioner has not committed any offence, he is ready to settle the matter, if anticipatory bail is granted to him. He further submitted that since the aforesaid case is pending against him, he could not go to his native place and meet his friends to make arrangements for money. Therefore, he prayed to grant anticipatory bail to the petitioner.

4.The learned Senior Counsel appearing for the intervenor/defacto complainant has submitted that the petitioner is not an ordinary person and he is running a Finance. He further submitted that already, 5 cases are pending against the petitioner under the investigation stage and 3 cases are pending for enquiry. He further submitted that the petitioner used to meet the parties by taking rooms in Star Hotels and lured the innocent people and extracted money by giving false promise that he will make arrangements for loan and thereafter, he will not make any arrangement for loan. He further submitted that in this case, the petitioner has received Rs.50 lakhs as registration fees and Rs.50 lakhs towards commission and promised that they will come with the registration documents and demand draft for Rs.50 crores on 29.01.2018. He further submitted that the petitioner and other accused persons did not make any arrangement for loan. He further submitted that the defacto complainant came to know that out of three promissory notes, only one promissory note for Rs.10 lakhs alone was registered. He further submitted that custodial interrogation of the petitioner is absolutely necessary and therefore, he prayed to dismiss the petition.

5.The learned Additional Public Prosecutor has adopted the arguments of the learned senior counsel for the defacto complainant/intervenor and also submitted that the custodial interrogation of the petitioner is absolutely necessary. Hence, he strongly opposed this petition.

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

6.Taking into consideration the allegations made against the



petitioner that the petitioner and other accused have received a sum of Rs.50 lakhs under the head of registration expenses and Rs.50 lakhs towards commission from the defacto complainant and thereafter, they have not made any arrangements for providing loan to the defacto complainant and also the fact that already, one case is pending at trial stage from the year 2008 and 4 cases are pending at F.I.R stage and 3 cases are pending at enquiry stage and also the submission made by the learned Additional Public Prosecutor that custodial interrogation of the petitioner is absolutely necessary, this Court is of the view that the petitioner has not made out a case for getting anticipatory bail. Hence, this Criminal Original Petition is liable to be dismissed.

6. Accordingly, this Criminal Original Petition is dismissed.

sd/-
07/06/2019

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

TO

1. THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
TIRUNELVELI DISTRICT,
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

- +1. CC to M/S.T.LENIN KUMAR, Advocate SR.No.9249
+1. CC to M/S.VEERA ASSOCIATES, Advocate SR.No.9315

ORDER
IN
CRL OP(MD) No.7352 of 2019
Date : 07/06/2019

VS
PK/JC/SAR-2/11.06.2019 : 3P/5C