



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10823 of 2019

Arulmurugan @ V.Nallakani

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
City Crime Branch, Tirunelveli City,
Tirunelveli.
(Crime No.14/2019)

... Respondent/Complainant

For Petitioner : Mr.VEERA KATHIRAVAN, Senior Counsel for
M/s.D.Ganeshamoorthi, Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

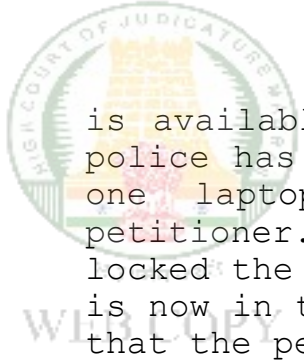
For bail on Cr.No.14/2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petition has been filed by Accused Nos.1 seeking bail for the alleged offence punishable under Section 418, 420, 465 and 468 of IPC, in Crime No.14 of 2019.

2. Heard both sides.

3.The learned Senior counsel appearing for the petitioner has submitted that the petitioner has not committed any offence. He further submitted that even as per the FIR, the defacto complainant has not stated that he has paid any amount to the account of the petitioner or his Company, only Lakshmikanth Reddy and one Rama Anjaneyulu have paid a sum of Rs.72,00,000/- to the account of the petitioner's Company viz., RK Enterprises. It is stated that Rs.41,50,000/- was paid in cash by the said Rama Anjaneyulu to the petitioner and for that the prosecution has not produced any proof. He further submitted that already the respondent police has freezed the bank account of the petitioner in which, a sum of Rs.79,68,561/-



is available. He further submitted that even though the respondent police has arrested the petitioner and also interrogated him except one laptop no other materials has been recovered from the petitioner. He further submitted that the respondent police has locked the house of the petitioner and put a seal and the said house is now in the control of the respondent police. He further submitted that the petitioner is in custody for past 56 days and by this time, the investigation might have been completed. He further submitted that already A2 was released on bail and therefore, he prayed to grant bail to the petitioner.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that through the defacto complainant, Lakshmikanth Reddy and Rama Anjaneyulu have paid a sum of Rs.93,50,000/- to the account of the petitioner's Company namely, RK Enterprises and subsequently, they have paid sum of Rs.23,50,000/- by cash and totally Rupees 1 Crore 17 Lakhs was paid to the petitioner. Further, he submitted that the said amount was paid on believing the words of the petitioner that he would make arrangement for getting loan of Rs.50 Crores from the bank and subsequently, the petitioner did not make any arrangement for getting loan and also refused to return the aforesaid amount and therefore, he strongly opposed this petition. However, he fairly conceded that already the petitioner's bank account was freezed, in which, a sum of Rs.79,68,561/- is available. He also conceded that since no one is residing in the house of the petitioner and the petitioner is in judicial custody, the house of the petitioner has been locked and sealed.

5. In the FIR, it is stated that based on the promise made by the petitioner that he will make arrangement for getting loan of Rupees Fifty Crore from the bank, at the instance of the defacto complainant one Lakshmikanth Reddy and Rama Anjaneyulu have paid a sum of Rs.93,50,000/- to the account of the petitioner's Company namely RK Enterprises. According to the petitioner, the aforesaid persons have deposited only Rs.72,00,000/- to his Company's account. However, he disputed the allegation that the aforesaid persons have deposited the balance amount of Rs.21,50,000/- and paid Rs.41,50,000/- by cash. The prosecution has not produced any proof to show that the aforesaid persons have paid a sum of Rs.41,50,000/- by cash to the petitioner. Further, admittedly, in the petitioner's bank account a sum of Rs.79,68,561/- is available and the said account has been freezed by the respondent police. Further, the respondent police has locked and sealed the house of the petitioner. Further, though the petitioner was arrested and subjected to interrogation except one laptop, no other materials has been recovered from the petitioner. Further, the petitioner is in custody for the past 56 days.

6. Taking into consideration of all the aforesaid facts and also the fact that already A2 was released on bail, this Court is inclined to grant bail to the petitioner by imposing conditions.



[a]the petitioner is ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, No.I, Tirunelveli.

[[b]the petitioner shall report before the respondent police daily at 10.00.a.m for a period of one month and thereafter, as and when required for the interrogation.

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

[d]the petitioner shall not tamper with evidence or witness 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

01/08/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
 3. THE SUPERINTENDENT,CENTRAL PRISON, PALAYAMKOTTAI.
 4. THE INSPECTOR OF POLICE,
CITY CRIME BRANCH, TIRUNELVELI CITY, TIRUNELVELI.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.D.GANESHAMOORTHY Advocate SR.No.12729

ORDER IN
CRL OP(MD) No.10823 of 2019
Date :01/08/2019