



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

WEB COPY

Date : 22/12/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . Nos.15291 & 15417 of 2020

1. Anbarasan
2. Kailesh Kumar

... Petitioners/Accused Nos.4 & 5
in CRL OP(MD)No.15291 of 2020

1. Rajagopal
2. Krishnaveni

... Petitioners/Accused Nos.1 & 2
in CRL OP(MD)No.15417 of 2020

Vs

The State rep by its
The Inspector of Police,
City Crime Branch,
Tiruchirappalli District,
Crime Number 17/2020.

... Respondent/Complainant
in both the petitions

In Both Petitions:

For Petitioners : M/s.B.Jameel Arasu,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

For Intervenor : Mr.Saravana Kumar, Advocate

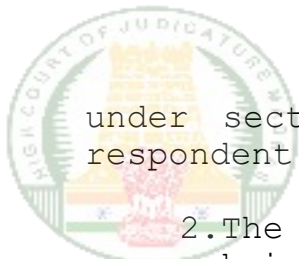
PETITIONs FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

COMMON PRAYER :- For Anticipatory Bail in Crime No. 17/2020 on the
file of the respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners/ Accused Nos.1, 2, 4 and 5 apprehending arrest
at the hands of the respondent police for the offences punishable

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



under sections 406, 420 and 506 (i) I.P.C, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the fourth and fifth accused introduced the defacto complainant to lend a loan to the first accused to develop their business. Further alleged that they promised to intake the defacto complainant as one of the share holder. Thereafter, they failed to undertake him as share holder and also did not share the profit and also failed to return the amount, which was invested by the defacto complainant. Further the defacto complainant also handed over the Innova Crysta Car for sale with the first accused.

3.The learned counsel for the petitioners/ A2, A4 and A5 in both the petitions would submit that the petitioners are not to do with the other accused persons and they never invested or introduced to the other accused. He would further submit that A1 only borrowed a sum of Rs.9,05,000/- and he repaid the amount for a sum of Rs.4,05,000/- and remaining Rs.5,00,000/- as payment. In fact, all the accused legal notice to the defacto complainant, dated 10.09.2020 and sought for further six months to settle the entire amount. He would further submit that to show their bonafide he has also ready and willing to show balance amount and also ready to return the Innova Car, if it is available with the first accused.

4.The learned counsel for the intervenor / defacto complainant would submit that all the accused persons conveyed together and induced to invest a sum of Rs.9,05,000/- in the business running by the first accused. Thereafter, they also assured that the defacto complainant will be intake as one of the share holder in the business and thereafter, they failed to undertake him as a share holder and did not share any profit with the defacto complainant. Further he would submit that the Car, which was purchased by the defacto complainant also handed over to the defacto complainant to sell the same. Therefore, he vehemently opposed to grant of anticipatory bail.

5.Heard the learned counsel for the petitioners and the learned counsel for the intervenor and the learned Government Advocate (Criminal side) for the respondent police.

6.It is seen that totally there are five accused and the petitioners herein are arrayed as A1, A2, A4 and A5. The first petitioner received a sum of Rs.9,05,000/- from the defacto complainant to develop their business, he also shared that the defacto complainant will be intake as one of the share holders. Thereafter, he sustained heavy loss due to COVID - 19 and also would not be able to develop his business. However, a sum of Rs.4,05,000/- handed over to the defacto complainant and now he is ready to settle the balance amount. However, the Car is in



7.Considering the above submissions and considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8.Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions

[a] the petitioner/ A1 / Rajagopal shall make a deposit of **Rs.5,00,000/- (Rupees Five Lakhs only)** to the defacto complainant within a period of four weeks. Further, if the petitioner / A1 / Rajagopal is in possession of Innova Car handed over by the defacto complainant, with all original document pertaining to the Car to the defacto complainant;

[b] On receipt of acknowledgement being made, the petitioners shall execute 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.4, Tiruchy.

[c] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

[d] the petitioners shall report before the respondent police at 10.30 a.m for a period of four weeks and thereafter as and when required for interrogation.

[e]the petitioners shall not abscond either during investigation or trial.

[f]the petitioners shall not tamper with evidence or witness either during investigation or trial.

[g]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].

[h]If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
22/12/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE No.4
TIRUCHY.
2. -DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHY DISTRICT.
- 3 THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
TIRUCHIRAPPALLI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD). Nos.15291 & 15417 of 2020
Date : 22/12/2020

Ls
AE/JM/SAR-II (29.12.2020) 4P / 5C