



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.6812 of 2021

Veeravel

... Petitioner

Vs.

1. State rep by
The Inspector of Police,
District Crime Branch,
Ariyalur District.

2. Maruthai
3. Gowthami
4. K.Krishnamoorthy

... Respondents

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioner on bail in the event of his arrest by the first respondent police in Crime No.3 of 2019 pending on the file of the first respondent.

For Petitioner : Mr.K.Selvakumaraswamy

For Respondent :

For R1 : Mr.C.E.Pratap
Government Advocate (Crl.Side)

For R2 : Mr.R.Sankarasubbu
For R3 : Mr.Thiruneelakandan

For Intervenor : Mr. C.Prakasam

ORDER

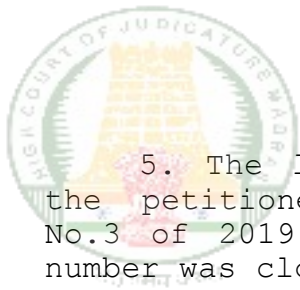
The petitioner, who has been arrayed as A2 for the alleged offence punishable under Section 120(B), 419, 420, 409, 424, 465, 466, 468, 477A and 506(i) of IPC in Crime No.3 of 2019 on the file of the respondent police seeks anticipatory bail.



2.The case of the prosecution is that respondents 2 to 4 had approached one Suryanarayanan, Branch Manager of City Union Bank, Vilandai Branch/the first accused herein for a loan of Rs.2,10,00,000/- to promote their business. The Branch Manager/first accused told the second respondent to contact the petitioner for easy sanctioning of loan. As per the direction of the first accused, the second respondent met the petitioner. The said loan was sanctioned and it was kept in the second respondent's account for disbursal. In the meantime, the said Branch Manager/first accused and the petitioner entered into a criminal conspiracy and siphoned off Rs.1,28,30,395/- on different dates without the knowledge of respondents 2 to 4 from their respective accounts in the year 2016. Hence, the prosecution was launched against the petitioner and the first accused.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner being a Civil Engineer, the second respondent had offered him to construct a building for respondents 2 to 4 in the year 2016. The total estimate was Rs.1,81,91,025/- and they also entered into an agreement and respondents 2 to 4 promised that they will pay the entire amount after the completion of the building. The petitioner received a sum of Rs.81,00,000/-. When the building was nearing completion, the petitioner demanded remaining amount from the respondents. The second respondent issued a cheque for a sum of Rs.15,00,000/- and the same was dishonoured for which the petitioner issued notice and that was not responded to by respondents 2 to 4. Thereafter, the petitioner had filed a Civil Suit in OS.No.220 of 2019 before the Principal District Judge, Cuddalore, for recovery of the balance amount and subsequently the suit has been transferred to the file of the Additional Principal Judge, Virudachalam. As a counter blast, OA.No.394 of 2019 was filed by respondents. He further submits that the petitioner never colluded with the 1st accused/Bank Manager and defrauded the bank money which was allotted to the second respondent. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned counsel for the second respondent has submitted that the second respondent has filed CrI.MP.No.1428 of 2021 before the Judicial Magistrate No.II, Jayamkondam for cancellation of bail granted to one Suryanarayanan/A1 and the learned Magistrate by an order dated 29.04.2021, allowed the petition and the bail bond executed was cancelled. The petitioner has filed a memo before the Inspector General of Police to re-open the case for further investigation and to appoint the Investigating Officer in the rank of Deputy Superintendent of Police. Thereby, the case was re-opened and one Mr.Madhan, Inspector of Police, was appointed as Investigating Officer in Crime No.03 of 2019 to re-investigate the matter and file a report



5. The learned Government Advocate (Crl.Side) submits that the petitioner filed a bail petition apprehending arrest in Crime No.3 of 2019 and it appears that subsequently, the said crime number was closed as mistake of fact.

6. In view of the submission made by the learned Government Advocate (Crl. Side) that the Crime No.3 of 2019 itself has been closed as mistake of fact, nothing further survives for adjudication and the apprehension of arrest by the petitioner is wholly misconceived. Hence, this criminal original petition is closed.

-sd/-
28/06/2021

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.

TO

1 THE ADDITIONAL PRINCIPAL JUDGE,
VIRUDACHALAM.

2 THE JUDICIAL MAGISTRATE NO.II,
JAYAMKONDAM.

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
ARIYALUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. K.SELVAKUMARASWAMY Advocate on payment of necessary charges

CRL OP.6812/2021

Date :28/06/2021

MK:19/07/2021