



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Second day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION Nos.17029 & 16785 of 2021

AND CRL MP.NO.9530 of 2021

IN CRL.O.P.No.16785 of 2021

K.GOWRISHANKAR

[PETITIONER / ACCUSED
IN CRL.O.P.No.17029/2021]

VIJAY ARAVIND

[PETITIONER / ACCUSED
IN CRL.O.P.No.16785/2021]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
EDF-III, CCB-II,
VEPERY, CHENNAI
(CRIME NO.50/2020)

[RESPONDENT/COMPLAINANT
IN CRL.O.P.No.17029/2021]

THE STATE REP BY
THE INSPECTOR OF POLICE,
CCB POLICE VEPERY,
CHENNAI.

[RESPONDENT
IN CRL.O.P.No.16785/2021]

S.VENUGOPAL

[PETITIONER/INTERVENER/DEFACTO COMPLAINANT
IN CRL.MP.NO.9530/2021
IN CRL.OP.No.16785/2021]

ORDERED AS PER ORDER OF THIS COURT DATED 22.09.2021 IN CRL MP.NO.9530
OF 2021 IN CRL.O.P.No.16785 OF 2021

For Petitioner : M/S S.NAGARAJAN Advocate
[IN CRL.O.P.No.17029/2021]

For Petitioner : NO APPEARANCE
[IN CRL.O.P.No.16785/2021]



For Respondent : MR. C.E.PRATAP, Govt. Advocate (Crl. Side)
[[IN BOTH THE PETITIONS]

For Intervener : M/S.V.BALU, Advocate
[IN CRL.O.P.No.17029 OF 2021]

For Intervener : M/S.IYYAKANNU, Advocate
[IN CRL MP.NO.9530 of 2021 IN CRL.O.P.No.16785 of 2021]

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 406, 420, 34 and 109 of I.P.C. in Cr.No.50 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are doing construction work under the name and style of M/s.Rudraksh Housing and they issued advertisement in the Newspaper for their project namely, construction of separate houses in Tellus Avenue. On seeing the advertisement, the defacto complainant approached the petitioners and thereafter loan amount sanctioned in favour of the defacto complainant was disbursed in favour of the accused, however, they neither handed over the property nor returned the money. Hence the complaint. The petitioners are arrayed as A3 and A2 respectively.

3.There is no representation for the petitioner in Crl.O.P.No.16785 of 2021. The learned counsel appearing for the petitioner in Crl.O.P.No.17029 of 2021 submitted that the petitioner has not committed any offence as alleged by the prosecution and that the petitioner is only an employee of the construction company.

4.The learned counsel appearing for the intervenor submitted that the loan amount to the tune of Rs.1 Crore 22 Lakhs, availed in the name of the defacto complainant was disbursed in favour of the accused and the defacto complainant is paying the EMI for the loan amount, however, the accused neither handed over the property nor repaid the amount.

5.Heard the submissions made by the learned Government Advocate.



6.Considering the fact that huge amount is involved in the case and the fact that the defacto complainant is paying the EMI for the loan amount, however, the accused neither handed over the property nor repaid the amount, this Court is not inclined to grant anticipatory bail to the petitioners.

7.These criminal original petitions are accordingly dismissed.

-sd/-

22/09/2021

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 THE INSPECTOR OF POLICE,
EDF-III, CCB-II,
VEPERY, CHENNAI.

3 THE INSPECTOR OF POLICE,
CCB POLICE VEPERY, CHENNAI.

+1 CC to M/S IYYAKANNU, Advocate on payment of necessary charges
SR.NO.10485

+1 CC to M/S.V.BALU, Advocate on payment of necessary charges
SR.NO.10423

CRL OP. Nos.17029 & 16785 of 2021

&

CRL MP.NO.9530 of 2021

IN CRL.O.P.No.16785 of 2021

Date :22/09/2021

RW 04/10/2021