



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Fifth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.21985 of 2021

and CRL.MP.NO.12235 of 2021

1 E.VELU [PETITIONERS / ACCUSED]
2 V.TAMILSELVI
3 E.NAGARATHINAM
4 E.MURUGAN

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH II,
EDF-I, WING, TEAM-I,
CHENNAI.
CRIME NO.196/2021

S.MOHAN KUMAR [INTERVENING PETITIONER/
DEFACTO COMPLAINANT]

(ORDERED AS PER ORDER OF THIS COURT DATED 25.11.2021 MADE IN
CRL.MP.NO.12235 OF 2021 IN CRL.O.P.No.21985 OF 2021)

For Petitioner : M/S. T.THIYAGARAJAN Advocate

For Respondent : MR.N.S.SUGANTHAN, Government Advocate, (Crl.Side)

For Intervener : M/S.OM PRAKASH, Senior Counsel for
M/S.ELAYARAJ KUMAR, Advocate

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 and 420
of IPC in Crime No.196 of 2021 on the file of the respondent police,
seek anticipatory bail.



2. The case of the prosecution is that the first petitioner and the complainant are financiers lending money to 3rd parties. Whenever there is a shortfall in meeting the demands of the customers, either the complainant or the petitioner would seek the help of the other person and the deficit will be taken as a loan to lend to 3rd parties. During this transaction petitioners cheated in handover of documents related to property as security to the complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they had not committed any offence as alleged by the prosecution. He further submitted that the entire loan has been discharged and there is no amount due and payable by the petitioners to the complainant, apart from that, first petitioner had paid more than about 4.4 crores in excess and stated that he would resolve it through Civil Court for recovery of said amount along with the return of the title deeds. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submitted that the petitioners had cheated the defacto complainant and the investigation is at initial stage. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. The learned counsel for intervenor/defacto complainant submitted that there was two memorandum of understandings between the first petitioner and the defacto complainant in the year 2019 and there was more than Rs.115 crores loan was outstanding between them. He further submitted that the investigation is at initial stage and the custodial interrogation might be required. Hence, he strongly opposed the grant of anticipatory bail to the petitioners.

6. Considering the fact that large amounts of money is involved and also taking into consideration the fact that investigation is still going on, enlarging the petitioners on anticipatory bail at this point of time, when the offence is serious in nature and there is likelihood of the petitioner indulging in activities which would be prejudicial for investigation, this Court is not inclined to grant anticipatory bail to the petitioners.



7. Accordingly, this Criminal Original Petition is dismissed.

WEB COPY

-sd/-
25/11/2021

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 INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH II,
EDF-I, WING TEAM-I,
CHENNAI-600 007.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. T.THİYAGARAJAN Advocate on payment of necessary charges SR.NO.13563

+2 CC to M/S. RAMALINGAM & ASSOCIATES Advocate on payment of necessary charges SR.NO.13515

CRL OP.21985/2021
&
CRL MP.12235/2021

Date :25/11/2021

RW 01/12/2021