



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/02/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD)No.211 of 2021

R.Rajkumar ... Petitioner/Accused No.1

Vs

State through
The Inspector of Police,
District Crime Branch, Theni,
Theni District.
(Crime No.12/2020).

... Respondent/Complainant

J.Vanitha

... Petitioner/Intervener
in CRL MP(MD)No.761 of 2021
in CRL OP(MD)No.211 of 2021

Sammunathi Financial Intermediation
& Services Pvt. Ltd.,
Having office at Baid Hi-Tech Park,
No.129-B, 8th floor, East Coast Road,
Thiruvananthapuram, Chennai-41.

... Intervening Petitioner
in CRL MP(MD)No.765 of 2021
in CRL OP(MD)No.211 of 2021

For Petitioner : Mr.R.Maheswaran,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

For Intervenor-1 : Mr.Sri Ram
in CRL MP(MD)No.761 of 2021
in CRL OP(MD)No.211 of 2021

For Intervenor-2 : Mr.Nithyaesh Natraj
in CRL MP(MD)No.765 of 2021
in CRL OP(MD)No.211 of 2021

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

PRAYER :- For Ancicipatory Bail in Crime No.12/2020 on the fiel of
the respondent police.



ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 467, 420 IPC in Crime No.12 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner, who is the Director of Institution of Mass Awareness Initiatives, was obtained loan for the defacto complainant from Smunnati Financial Intermediation and Services Private Limited, which is a Non-Banking Financial Company. The arrangement is that the petitioner would identify the self help groups, who are in needy of money for its purpose. He would collect particulars of the self help group and the needy farmers and submit the same, to the finance company and thereafter, it would be processed. One of the condition is that Bank Account is to be in the name of self help group, for which, he had understanding with the Karur Visya Bank. On the document collected, loans would be processed. Thereafter, loans would be directly credited to the beneficiaries. The petitioner as an agent has to facilitate both prior to the loan and after to the loan process. On 07.12.2020, the defacto complainant and other members received legal notice from Sammunati Financial Private Limited, wherein the defacto complainant and others has to repay the loan amount of Rs.6,06,170/-. On receipt of such notice, the defacto complainant and other members visited the petitioner's premises and the above said trust was kept in lock and thereafter, they made the present complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the loan amount is directly deposited in the account of the self help group. There was a dispute arose between the petitioner and the above said non-banking financial company with regard to the maintenance of the account. Legal notices were being exchanged between both the parties. In meanwhile, the said non-banking financial company issued a demand notice to the petitioner dated 02.11.2020, wherein overdue amount to the defacto complainant's self help group has been mentioned as Rs.3,68,993/-. It is only the petitioner, who is the guarantor of the said loan. If at all the defacto complainant fails to pay the amount, it is for the petitioner to pay the amount being the guarantor. The defacto complainant also received a demand legal notice from the said non-banking financial company to pay sum of Rs.6,00,000/-. On receipt of the said demand notice the defacto complainant has given the above complaint. Hence, he prayed for grant of anticipatory bail to the petitioner.

<https://hcservices.hcourt.in/hcservices> 4.The learned counsel appearing for the intervenors would



submit that the petitioner and two others approached the defacto complainant and told them that he is able to get loan from the reputed institution and accordingly, he collected all the documents and bank details and also get the signatures from the defacto complainant and other members in order to get loan. However, the petitioner was not arranged loan as per undertaking and hence, the defacto complainant approached the petitioner and questioned about the same. However, he did not reply properly. In the meanwhile, on 07.12.2020, the defacto complainant and other members received legal notice from Sammunati Financial Private Limited, wherein the defacto complainant and others has to repay the loan amount of Rs.6,06,170/-. On receipt of such notice, the defacto complainant and other members visited the petitioner's premises and the above said trust was kept in lock and thereafter, it is came to light that the petitioner cheated nearly 200 persons and a sum of Rs.Two Crores was misappropriated. Hence, they opposed to grant anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that there are totally 77 self help groups have been cheated by the petitioner so far and only 17 self help groups were identified. The petitioner in connivance with the Bank officials had obtained loan in the name of self help groups and misappropriated the same and only 17 self help groups were identified and hence, the total amount misappropriated by the petitioner will be huge. Therefore, custodial interrogation of the petitioner is very much necessary in this case. Hence, he opposed to grant anticipatory bail to the petitioner.

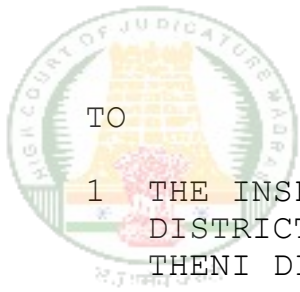
6.It is seen that the petitioner in the name of trust, cheated the self help groups, which were running for the farmers and misappropriated huge amount. Therefore, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-
18/02/2021

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/ /2021
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 INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, THENI,
THENI DISTRICT.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.211 of 2021

Date :18/02/2021

GNS

AE/SMA/SAR-III (19/03/2021) 4P / 3C