



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 08/09/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.5807 of 2021

R.Satyanarayana @ Sathiyararayanan ... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
District Crime Branch
Thanjavur, Thanjavur District.
Crime No.16 of 2021

... Respondent/Complainant

For Petitioner : Mr.R.J.Karthick, Advocate.

For Respondent : Mr.T.Senthil Kumar,
Government Advocate (Crl.Side)

For Intervener : Mr.M.Ajmal Khan, Senior Counsel
For M/s.Ajmal Associates

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

PRAYER :- For Anticipatory bail in Crime No.16 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A1 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 420, 465, 467, 468 and 471 I.P.C., in Crime No.16 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant and his family members are partners of the Coresoft Systems & Solutions which is a computer software training centre. The petitioner herein joined in the said Coresoft Systems & Solutions as a Manager. The petitioner has explained the concept of project in the name of Confederation of Indian Industries (CII), for that a sum of Rs.1,00,00,000/- has to be invested as fixed deposit. Believing the words of the petitioner, a current account was opened and a sum of Rs.1,00,00,000/- was deposited in the name of Coresoft System & Solutions. As assured, the petitioner and others have neither repaid the deposited amount nor the profit share as per the memorandum of agreement. Thereafter, the defacto complainant came to light that he has been cheated by the petitioner and others by forged fabricated bank fixed deposit receipts. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner started his own Trinity Academy in Thanjavur and operated in 'Arulgam' HIG-508, 2nd floor, near New Bus Stand, Thanjavur. His institute became a Learner Facilitation Centre from CII (Confederation of Indian Industry) Institute of Logistics, offering PGDSCM (Post Graduate Diploma in Supply Chain Management) and a parallel MBA from Alagappa University, Karaikudi through off campus programme. From 2010 to 2013, certain business operations took place in obtaining training activities in government Institutions, for which, initial investments were supported by the defacto complainant from time to time and the investments were returned with due interest properly. He would further submit that the petitioner is an innocent, he has not committed any offence as alleged by the prosecution, but he has been falsely implicated in this case.

4.Mr.M.Ajmal Khan, the learned Senior Counsel appearing for the Intervenor would submit that this petitioner, who was working as a Manager of the defacto complainant, has collected more than Rs.11,21,00,000/- on various dates from the defacto complainant to deposit the same in the fixed deposit. The petitioner has also stated that he has duly deposited the amount and for that, he has produced some fixed deposit receipts. When the defacto complainant attempted to redeem the amount, he found that the receipts produced by the petitioner are bogus one. The learned Senior Counsel would further submit that the petitioner assured that he will repay the amount within a stipulated time, but failed to do so. Therefore, the defacto complainant is constrained to lodge a complaint.

5.He further submitted that in the earlier occasion, this Court appointed Mr.R.Gandhi as Mediator. Though Mr.R.Gandhi has taken an effort to solve the issue amicably, the mediation failed. The petitioner has given confidence to the defacto complainant to deposit the amount in the bank and after receiving the amount, he stated that he has deposited the amount in the Bank, produced the bogus certificate and cheated the defacto complainant to the tune of Rs.11,21,00,000/-. Until and otherwise this petitioner is secured, the whereabouts the amount cannot be found in this case. Apart from recovery of money, it is also to be noted that the petitioner has created bogus fixed deposit receipts and he has done the same with the connivance of other accused. Therefore, custodial interrogation is required to find out as to how the fixed deposit receipts have been prepared by this petitioner.

6.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that the investigation in this case is yet to be completed.

7.In the earlier occasion, this petitioner has made a submission that if the matter is referred to the Mediation Centre, the issue can be amicably settled between the parties. Therefore,

<https://hcservices.courts.madras.gov.in/hcservices/> granted interim anticipatory bail for a period of two



weeks, but the petitioner neither co-operated for the investigation nor showed any interest in settling the matter. Considering the conduct of the petitioner, this Court is not inclined to entertain this application and the same is accordingly, dismissed.

8. The respondent police shall secure the petitioner and recover the amount from him and also find out as to how the fixed deposit receipts have been prepared by this petitioner. Considering the nature of offence, this Court suggest that the investigation be monitored by the Superintendent of Police, Thanjavur District.

sd/-
08/09/2021

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/ /2021

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

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 SUPERINTENDENT OF POLICE, THANJAVUR DISTRICT.
- 2 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH
THANJAVUR, THANJAVUR DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

- 1 THE CO-ORDINATOR, MEDIATION AND CONCILIATION CENTRE,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI. **(SOFT COPY)**
- 2 Mr.R.GANDHI, ADVOCATE,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-6111[I] dated 09/09/2021)

ORDER
IN
CRL OP(MD) No.5807 of 2021
Date :08/09/2021

MSA
MS/VR/SAR-2/14.09.2021/3P.6C