



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

Date : 26/08/2021

PRESENT

WEB COPY

**The Hon'ble Mr.Justice B.PUGALENDHI**

CRL OP(MD) . No.6818 of 2021

1. A.M.MOORTHY THEVAR @ MANTHIRA MOORTHY
2. A.BALASUBRAMANIAM ... PETITIONERS/ACCUSED NO.2 & 4

**VS**

THE STATE REP. BY,  
THE INSPECTOR OF POLICE,  
CITY CRIME BRANCH,  
TIRUNELVELI CITY.  
(CRIME NO.11 OF 2021).

... RESPONDENT/COMPLAINANT

For Petitioners: Mr.A.S.Vaigunth,  
Advocate.  
For Respondent : Mr.T.Kottai Chamy  
Government Advocate (Crl.Side)  
For Intervenor : Mr.S.Ramasamy, Advocate

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

**PRAYER :-**

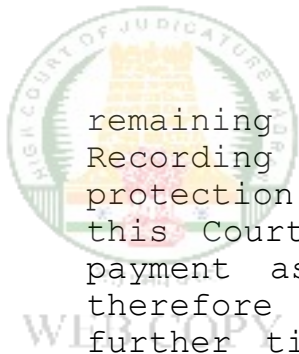
For Anticipatory Bail Crime No.11 of 2021 on the file of the Respondent Police.

**ORDER :** The Court made the following order :-

The petitioners, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 418, 420 and 120(B) of IPC, in Crime No.11 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner, along with one Hari Nadar, has received a sum of Rs.63 Lakhs from the defacto complainant that they would arrange loan with lesser interest and cheated the de facto complainant. Hence, the complaint.

3.When this matter was taken up for hearing on 09.06.2021, a representation was made on behalf the first petitioner that he received a sum of Rs.30 lakhs and the remaining amount of Rs.33 Lakhs was received by Hari Nadar and with regard to the amount received by him, he is prepared to return the same. He has already paid a sum of Rs.7 Lakhs and he is also willing to settle the



remaining amount of Rs.23 lakhs, within a period of four weeks. Recording the said undertaking of this petitioner, an interim protection against arrest for a period of five weeks was granted by this Court on 09.06.2021. But the petitioner did not make the payment as agreed by him before this Court on 09.06.2021 and therefore at the request of the learned counsel for the petitioner further time was granted till 19.07.2021. Even thereafter, the petitioner has not paid the amount. Even today, the petitioner claimed that the defacto complainant is not coming forward to compromise the issue and therefore, he has not paid the remaining amount.

4.In view of the conduct of the petitioner in making a false promise before this Court that he would return the money, obtaining an interim order and thereafter, taking a different stand, this Court is not inclined to entertain the application.

5.Accordingly, this criminal original petition is dismissed.

sd/-  
26/08/2021

/ TRUE COPY /

/ /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,  
CITY CRIME BRANCH,  
TIRUNELVELI CITY.
2. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.6818 of 2021  
Date :26/08/2021

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USK/JC/SAR-IV/14.09.2021/2P/3C

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