



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 16.12.2021  
PRESENT  
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.O.P.(MD)Nos.8260, 8262 and 8266 of 2021  
and  
CrI.M.P.(MD).Nos.4370 and 4371 of 2021

1 M.V.SUBRAMANIAN  
2 M.V.MUTHURAJAN  
3 M.V.SIVARAMAN  
4 M.V.LAKSHMANAN  
5 M.GANESH MARIMUTHU  
6 S.SANKARMARIMUTHU  
7 M.SRINIVASMARIMUTHU  
8 S.HARIHARANMARIMUTHU

... PETITIONERS 1 TO 8/  
ACCUSED NO.1 TO 8  
in CRL OP(MD) No.8260 of 2021

P.ANNAMALAICHAMY

... PETITIONER/ACCUSED NO.12  
in CRL OP(MD) No.8262 of 2021

1 G.XAVIER FERNANDO  
2 G.MANOJ FERNANDO  
3 T.M.A.MANOCHARAN

... PETITIONERS 1 TO 3/ACCUSED 9 TO 11  
in CRL OP(MD) No.8266 of 2021

(P3 SUO MOTU IMPEADED AS PER OF  
THIS HON'BLE COURT DATED 16.12.2021  
IN CRL OP(MD)No.8266 of 2021)

-VS-

STATE REP.BY  
THE DEPUTY SUPERINTENDENT OF POLICE,  
ECONOMIC OFFENCES WING, TIRUNELVELI.  
CRIME No.1 OF 2021.

... RESPONDENT/COMPLAINANT  
IN ALL THE PETITIONS

For Petitioners : Mr.MARIAPPAN.G, Advocate  
In CRL OP(MD) No.8260 of 2021  
: Mr.S.PARTHASARATHY, Advocate for  
MR.P.SARAVANAKUMAR, Advocate  
In CRL OP(MD) No.8262 of 2021  
: Mr.S.PARTHASARATHY, Advocate for  
MR.S.RAMSUNDARVIJAYRAJ, Advocate  
In CRL OP(MD) No.8266 of 2021

For Respondent : MR.T.SENTHIL KUMAR,  
Additional Public Prosecutor  
In all the Petitions

<https://hcservices.ecourts.gov.in/hcservices/>



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

**COMMON PRAYER :-** For Anticipatory Bail in Crime No.1 of 2021 on the file of the Respondent Police.

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

The petitioners herein are shown as accused in Crime No.1 of 2021, registered on the file of Economic Offences Wing, Tirunelveli, for the alleged offences under Section 409, 420 and 120 (b) of IPC.

2.The complainant in this case is Rishikesh Marimuthu, son of Muthukumar. His case is that his father, late Muthukumar, was a partner in the petition mentioned firm and that he passed away in the year 2016. His specific allegation is that the other partners have committed the offences in question and deprived Muthukumar's family from the legitimate dues due to them. Based on his complaint, the impugned FIR in Crime No.1 of 2021 has been registered. Seeking Anticipatory Bail, these criminal original petitions have been filed.

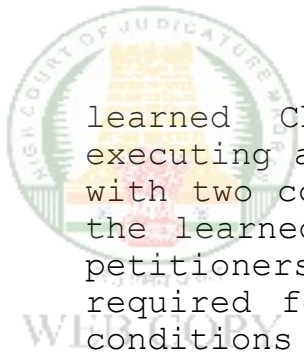
3.When the matter was taken up for hearing on the last occasion, I suggested the counsel for the accused that they could consider paying what is admittedly due to the defacto complainant family and the matter was adjourned.

4.When the matter was taken up today, the Counsel for the accused submitted that as per their accounts, a sum of Rs.1,24,04,221/- is payable to the legal heirs of late Muthukumar. Muthukumar left behind his wife and two sons as his surviving legal heirs. A statement of accounts have also been filed before the Court below and the copies of the same has also been now served on the defacto complainant's Counsel.

5.Since the petitioners have shown their bonafide by paying a sum of Rs.1,24,04,221/- to the defacto complainant, I am inclined to favorably consider the request of the petitioner. That apart, cause of action took place few years ago and the case of the defacto complainant also rests primarily on the documentary evidence. Interrogation of the petitioners is really not warranted in this case. Therefore anticipatory bail is granted.

6.The figure has been arrived at based on the accounts now produced before the Court in the form of tabular statement. The defacto complainant and his family members are at liberty to receive their shares and encash the cheques without prejudice to their contentions in the quash petition.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the



learned Chief Judicial Magistrate, Tirunelveli and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two common sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

8.The petitioners shall appear before the concerned Magistrate within a period of six weeks from the date on which the order copy ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-  
16/12/2021

/ TRUE COPY /

/ /2022

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 CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI.
- 2 THE DEPUTY SUPERINTENDENT OF POLICE,  
ECONOMIC OFFENCES WING, TIRUNELVELI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to MR.G.MARIAPPAN, Advocate ( SR-9446[I] dated 17/12/2021 )

+1 CC to MR.P.SARAVANAKUMAR, Advocate (SR-9447[I] dated 17/12/2021)

+1 CC to MR.S.RAMSUNDARVIJAYRAJ, Advocate (SR-9445[I] dated 17/12/2021)

ORDER  
IN  
Crl.O.P. (MD) Nos.8260, 8262  
and 8266 of 2021  
and  
Crl.M.P. (MD) .Nos.4370 and  
4371 of 2021  
Date :16/12/2021

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