



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

Date : 01.10.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD)No.13770 of 2021

WEB COPY

1.Amarnath Gopi Kannan

2.Mangaiyarkarasi

3.Tesla

4.Krithika

... Petitioners/Accused No.1 to 4

Vs

State represented by
the Inspector of Police
Kovilpati East Police Station,
Thoothukudi District.
(Crime No.158 of 2021)

... Respondent/Complainant

For Petitioners : Mr.D.Balamurugapandi
For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor
For Intervenor : Mr.P.Balamurugan

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

PRAYER :-

For Anticipatory Bail in Crime No.158 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
406, 417, 420 and 120(B) IPC in Crime No.158 of 2021 seek
anticipatory bail.

2.The case of the prosecution is that the petitioners are
running a company in the name and style of JK consulting company for
trading and consultation. The defacto complainant was the Area
Manager of the company. He invested in the company by collecting
money from his friends and relatives. Though the company in turn
executed a bond in his favour, failed to repay the money as assured
there was a dispute between MD(A1), CEO (A2) and the
defacto complainant in respect of the company's another business and
a complaint in Crime No.58 of 2020 was lodged on behalf of the



company.

3.The learned Counsel for the petitioners submits that the first petitioner is running a company in the name and style of JK Consultancy. Where the defacto complainant was initially appointed as Area Manager for Madurai Zone. Since he indulged in irregularities, he was removed from his employment. Therefore, the defacto complainant has lodged a complaint against the company.

4.The learned Counsel further submitted that the first petitioner filed an insolvency petition in I.P.No.6 of 2020, on the file of the Sub Court, Kovilpatti and the same is pending for adjudication, since the company became insolvent due to covid-19 pandemic. He further submitted that the first petitioner paid around Rs.41,20,000/- to the defacto complainant's wife, namely, Manonmani in the presence of the respondent Police and they assured that they will withdraw the complaint and amicably settle the amount to the investors.

5.The learned Counsel for the intervenor submitted that the petitioners during the month of August 2018 introduced their company in a play ground and advertised for selecting cricket players for the State team and had conducted selection process, wherein 35 players out of 250 players, have been selected including the defacto complainant. Subsequently, the defacto complainant was appointed as Area Development Manager of J.K.Consultancy Service. A1 and A2 canvassed about the share market business conducted by them. The defacto complainant invested a sum of Rs.1,00,000/- with the accused company on his own and Rs.1,18,80,000/- by collecting money from others. The accused company initially paid the dividend. However, later they did not pay the dividend. When the depositors, demanded to repay the money, it was replied that due to financial constraints, they could not pay the money. Therefore, the present complaint has been lodged. Though, the accused filed insolvency petition in I.P.No.6 of 2020 before the Sub Court, Kovilpatti, the same was dismissed on 30.03.2021. Suppressing the facts A1 to A4 filed anticipatory bail petition before this Court.

6.The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioners as advertised that they are selecting players for state level cricket team, conducted selection process and collected money to the tune of Rs.40/- Lakhs from the selectees and executed bond towards the same, but failed to repay the collected money to the persons and thereby committed cheating. The investigation is at crucial stage and therefore, opposes grant of anticipatory bail to the petitioner.

7.This Court paid its anxious consideration to the rival submissions and perused the materials placed on record.

<https://hcservices.equitynet.in/hcservices/> 8.The first petitioner has collected huge amount from the victims under the guise of selection to the State Level Cricket Team and cheated them. The defacto complainant has also invested money by



collecting from various persons. However the petitioner failed to repay and instead filed insolvency petition before Court concerned and it is seen that the said petition was also dismissed.

9.Considering the facts and circumstance of the case, the modus operandi, the seriousness of the offence, the involvement of huge amount in the offence, the stage of the investigation, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this petition stands dismissed.

sd/-
01/10/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

dsk

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,
KOVILPATTI EAST POLICE STATION,
THOOTHUKUDI DISTRICT.
- 2.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.13770 of 2021
Date :01/10/2021

SB/VR/SAR-III/29.10.2021/3P/3C