



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.1614 of 2022

K.P.Saravanan

.. Petitioner

Vs.

State represented by
Inspector of Police,
V5 Thirumangalam Police Station,
Anna Nagar,
Chennai.
Crime No.607 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest by the respondent police in Cr.No.607 of 2021 on the file of the respondent police.

For Petitioner : Mr.Y.Arul Manickam

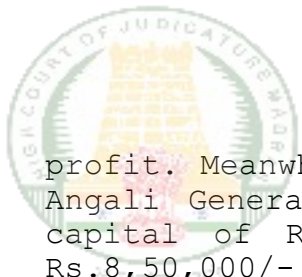
For Respondent : Mr. A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 420 IPC, in Crime Number 607 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is that the petitioner is mentoring a firm namely M/s.Mithuna Foods. It is alleged that the defacto complainant and her husband came forward to invest BP.40,000/- in the said business. On 27.11.2017, the petitioner sent a draft Memorandum of Understanding wherein he had detailed the projects that would be carried out by Mithuna Foods and the lock in period of five years for the investment. However, the defacto complainant's husband made a counter proposal demanding interest for the amount invested in addition to the share in the



profit. Meanwhile, based on the advice of the defacto complainant Sri Angali General Trading Private Limited was registered with paid up capital of Rs.1,00,000/-. The defacto complainant sent a sum of Rs.8,50,000/- on 14.12.2017 to the account of Mithuna Foods. The entity M/s. Sri Angali General Trading Company received a sum of Rs.19,00,000/- on 01.03.2018 and Rs.6,50,000/- on 02.03.2018 from an account namely TPT Business Investment. However, all of a sudden in 2019, the defacto complainant asked the petitioner to repay the entire investment. Unfortunately, onset of the Covid-19 pandemic destabilised the whole business of M/s.Mithuna Foods and Sri Angali General Trading Private Limited. Even in such circumstances the petitioner made a proposal that he would transfer the title of his immovable property worth Rs.48,00,000/- situated in Valasaravakam to and in Rs.15,00,000/- to the tenant who was in lease. The defacto complainant inspected the property and initially showed interest in the arrangement, but later refused and demanded to convey the property worth of Rs.48,00,000/- without any payment from her side. Hence, the case.

3. The learned counsel appearing for the petitioner submits that the petitioner falsely implicated in the case and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner is ready to settle the issue and further submits that the defacto complainant is not responding to the whatsapp calls of the petitioner seeking account details of the defacto complainant and KYC of TPT Business investment and further the business of the M/s.Mithuna foods and Sri Angali General Trading Private Limited is gradually recovering from the impacts of covid-19 lock down. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submits that the investigation almost completed and further submitted that there was a business transaction in between the petitioner and the defacto complainant from the year 2017 onwards and the main allegation is that he has not invested the money properly which was given by the defacto complainant on various occasion about Rs.34 lakhs. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with a condition that the petitioner is directed to deposit the original title deed with regard to the property which stands in the name of his wife Meenakshi with an undertaking affidavit of her before the trial Court that she will not create any encumbrance to the property until the matter is resolved.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of



the Court's normal functioning whichever is earlier, before the learned XIII MM Egmore, Chennai on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall appear before the respondent police daily at 10.30.am., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial;

[e] on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions has been imposed and the petitioner is released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

-sd/-

02/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE XIII METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.



2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
V5 THIRUMANGALAM POLICE STATION,
ANNA NAGAR, CHENNAI 600101.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. Y.ARUL MANICKAM Advocate on payment of necessary
charges

CRL OP.1614/2022

Date :02/02/2022

CSK 11/02/2022