



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twentieth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.8581 of 2022

1 M.RAVIKUMAR
2 R.LOGESWARI
3 M.ARUMUGAM @ KISHORE

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
M-1, MADHAVARAM POLICE STATION,
CHENNAI
(CRIME NO.62/2019)

[RESPONDENT]

For Petitioner : M/S B.M.SANTHARAM Advocate

For Respondent : M/S.S.SANTHOSH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehending arrest for the alleged offences under Section 406, 420 & 506(1) of I.P.C., in Crime No.62 of 2019, on the file of respondent police, seeks anticipatory bail.

2. The petitioner herein apprehending arrest on the complaint given by one Mr.Muthumani seeks anticipatory bail. On perusing the record, this Court finds that F.I.R was registered on 05.02.2019 alleging that the petitioner herein received Rs.8,50,000/- in total promising to arrange loan for Rs.3 crores. However, the petitioner has not arranged for the promised loan, hence complaint registered by the respondent police in Crime No.62 of 2019 for offences under Section 406, 420 & 506(1) of I.P.C.



3. The money transaction substantially being done through bank and settlement for payments are available. In the said circumstances, since there was progress in the investigation, the defacto complainant has moved this Court for transfer of investigation from the 2nd respondent police namely., Inspector of Police, Madhavaram Police Station, Chennai. While considering the transfer of investigation petition, this Court thought fit that the matter may be amicably settled through Mediation and Conciliation Centre, High Court, Madras and therefore referred the parties for Mediation and to report back to the Court within a period of 6 months. This order came to be passed on 04.06.2019. However, the parties could not arrived at settlement and matter been returned back to the Court by Mediation Centre. The petitioner/accused states that, in the course of the proceedings already Rs.4.7 lakhs paid and in fact, only more than Rs.2 lakhs is to be paid which the petitioner is ready to pay in due course.

4. However, this Court finds that, in spite of pendency of the case and opportunity given to the petitioner to settle the matter amicably, he has not availed that opportunity and being dragging on the matter and there is enough material to show that, there is promise made by the petitioner herein to arrange for the loan to a tune of Rs.3 crores and he has received the money from the defacto complainant as commission for the loan and he has not arranged the loan. Thus, deception at the inception of receiving the money is prima facie made out.

5. In the light of the above fact, this Court is of the view that the petitioner cannot be allowed to enjoy the liberty by granting anticipatory bail. Hence, this Criminal Original Petition is dismissed.

-sd/-
20/04/2022

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 INSPECTOR OF POLICE,
M-1, MADHAVARAM POLICE STATION,
CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE ASSISTANT REGISTRAR,
TAMILNADU MEDIATION AND CONCILIATION CENTRE,
HIGH COURT, MADRAS

CC to M/S B.M.SANTHARAM Advocate on payment of necessary charges

CRL OP.8581/2022

Date :20/04/2022

RW 26/04/2022