



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twelfth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice V. SIVAGNANAM

CRIMINAL ORIGINAL PETITION No.10979 of 2022

1 THIRUNAVUKKARASU.K @ SURESH [PETITIONERS / ACCUSED]
2 R.SUDHARSON @ SHIVA
3 MOHANKUMAR SAKKARAPANI @ SAR
4 VAITHEESWARAN
5 C.RANGANATHAN

Vs

STATE REPRESENTED BY [RESPONDENT]
THE INSPECTOR OF POLICE,
KANNANKURICHI POLICE STATION,
SALEM DISTRICT.
CRIME NO.433/2022.

For Petitioner : M/S.L.JAI VENKATESH Advocate

For Respondent : MR.S.UDHAYAKUMAR, Govt. Advocate (Crl. Side),

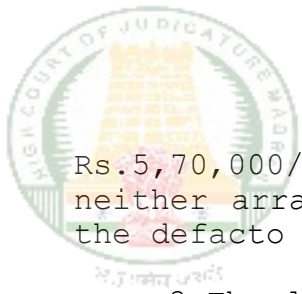
For Intervener : MR.T.MURUGANANTHAM, Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under sections 420, 506(2) and 109 of IPC in Crime No.433 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that one Senthil Kumar, who is the de-facto complainant, wanted to get a loan for a sum of Rs.5 crores from the private party for expanding his business and in this regard, with the help of his friend one Ramachandran, the de-facto complainant had contacted one Sumangali Finance, which is a partnership concern and managed by the first petitioner. On the request made by the de-facto complainant for the loan amount, the petitioners under the guise of arranging loan received a sum of



Rs.5,70,000/- from the de-facto complainant and thereafter, they neither arranged the loan nor returned the money and thereby cheated the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the first petitioner Thirunavukkarasu K @ Suresh had filed a suit against the complainant in O.S. No.2 of 2022 based on a pro-note dated 18.10.2021 and claimed Rs.12,50,000/- with interest and the above suit is pending before the Sub Court, Salem. He would further submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he pleads for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners under the guise of arranging loan received a sum of Rs.5,70,000/- from the de-facto complainant and thereafter, they neither arranged the loan nor returned the money and thereby cheated the defacto complainant. Hence, he opposed to grant anticipatory bail to the petitioners.

5.Mr.T.Muruganantham, learned counsel undertakes to file vakalat on behalf of the intervenor and also opposes to grant anticipatory bail to the petitioners.

6.On a perusal of the First Information Report shows that the defacto complainant gave a complaint against the petitioners stating that he had approached the first petitioner namely Thirunavukkarasu K @ Suresh, for receiving loan of Rs.5 crore at the rate of 1% interest per annum, for which, the first petitioner obtained a signature in the pro-note and received Pancard and other documents, but he did not pay the said amount. According to the de-facto complainant, though the accused person received a sum of Rs.5,70,000/- from the de-facto complainant, they have not paid the assured amount of Rs.5,00,00,000/- and therefore, the de-facto complainant gave a complaint against the accused. The entire transaction seems to be a money transaction which has been given a criminal colour. In view of the above, this Court is inclined to grant anticipatory bail to the petitioners.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **Learned Judicial Magistrate No.IV, Salem**, on condition that each the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 petitioners and the sureties shall affix their photographs and left thumb impressions 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 petitioners shall not tamper with evidence or witness either during investigation or trial;

(c) **the petitioners shall report before the respondent Police as and when required for interrogation;**

(d) the petitioners 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 petitioners in accordance with law as if the conditions has been imposed and the petitioners 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/-

12/05/2022

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 JUDICIAL MAGISTRATE,
NO.IV, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



4 THE INSPECTOR OF POLICE,
KANNANKURICHI POLICE STATION,
SALEM DISTRICT.

WEB COPY

+1 CC to M/S.L.JAI VENKATESH Advocate on payment of necessary
charges SR.NO.7091

CRL OP.10979/2022

Date :12/05/2022

TA-16/05/2022