



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Twenty Eighth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN
CRIMINAL ORIGINAL PETITION No.14354 of 2022
and CRL.MP.NO.8318/2022

KEVIN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
EDF-II, CCB, EGMORE,
CHENNAI
CR.NO.104 OF 2022.

[RESPONDENT]

R.RAKESHKUMAR

..PETITIONER/INTERVENER/DE-FACTO COMPLAINANT
ORDERED AS PER ORDER OF THIS COURT DATED
28/06/2022 MADE IN CRL.MP.NO.8318/2022.

For Petitioner : M/S.P.SARANATH Advocate

For Respondent : MR.A.DAMODARAN, ADDITIONAL PUBLIC PROSECUTOR

For Intervenor : M/S A.SAKTHIVEL Advocate

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 29.05.2022 for the offences punishable under Sections 406, 420 r/w 120B of IPC in crime No.104 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant was induced to pay a huge volume of money for the business run by the petitioner along with his director and based on that, he invested and paid an amount of Rs.20,00,000/- to the account of one, T.Arunachalam, Managing Director of Stalwart Company and Rs.5,00,000/- to one, Amudha's account respectively on 29.08.2013 and 05.10.2013 and a balance amount of Rs.15,00,000/- was paid in cash to this petitioner and this petitioner on receiving the amount, promised



that he will pay this amount with profit in a month. After that, he is evading his calls and is not paying the amount. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner never assured the defacto complainant or others to induct as director for investment of huge amount. They have been told that they will be shared the profit if amount invested in the business. Accordingly, so far he paid several lakhs to several persons. Insofar as the defacto complainant in the present case is concerned, he is liable to pay Rs.15 lakhs and he is ready and willing to deposit some reasonable amount as directed by this Court.

4. The learned Additional Public Prosecutor submitted that so far the petitioner involved in 23 cases similar in nature. So far, the petitioner cheated several banks to the tune of Rs.9,84,00,000/- in the name of companies i.e. Stalwart International Private Limited, Stalwart Mines and Minerals Private Limited, Suganthi Enterprises and other companies. The petitioner availed loan to the tune of Rs.9.84 crores. That apart, he also received from the investors to the tune of Rs.15.57 crores from various persons. Hence, he vehemently opposed to grant bail to the petitioner.

5. Insofar as defacto complainant is concerned, the petitioner promised to pay Rs.45 lakhs. In fact, there was a dispute between the petitioner and another director of the petitioner company and as such the petitioner also filed suit in OS.No.2322 of 2017, in which he categorically admitted that he is liable to pay huge amount to various persons. The petitioner is doing this kind of business for several years and cheated so many persons.

6. The learned counsel for the intervenor also submitted that the petitioner cheated the defacto complainant to the tune of Rs.45 lakhs and the petitioner is a habitual offender of similar offences. He would further submit that the petitioner in order to discharge the liability, he issued cheque on 16.10.2017 for the principle and profit to the tune of Rs.65,72,128/- and when the same was presented to the bank, it was dishonoured stating that the account was blocked.

7. Considering the above facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner. Accordingly, this criminal original petition is dismissed.

-sd/-

28/06/2022

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 SUPERINTENDENT,
CENTRAL PRISON, PUZHAI,
CHENNAI

2 THE INSPECTOR OF POLICE,
EDF-II, CCB, EGMORE, CHENNAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S.P.SARANATH Advocate on payment of necessary
charges Sr.10135

CRL OP.14354/2022

and CRL.MP.NO.8318/2022

Date :28/06/2022

RVR 04/07/2022