



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated: 17/08/2022
PRESENT

WEB COPY

The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP(MD)No.119 of 2022

1.Jayakanthan

2.Jayaraman

... Petitioners/A1 and A2

Vs.

The State rep by
The Inspector of Police,
District Crime Branch,
Dindigul,
Dindigul District.
(Crime no.47 of 2021)

... Respondent/Complainant

For Petitioners : Mr.A.R.KANNAPPAN, Advocate

For Respondent : Mr.R.M.ANBUNITHI
Additional Public Prosecutor

For Intervenor : Mr.V.A.DHANA ARAVINDHA BALAJI, Advocate
for M/s.DHANA LAW ASSOCISTES

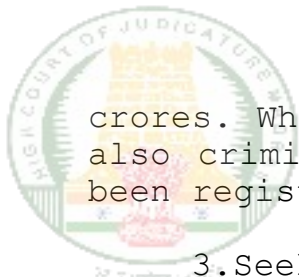
PETITION FOR ANTICIPATORY BIAL under Sec.438 of Cr.P.C.C

PRAYER:- For Anticipatory Bail in Crime No.47 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioners, who are arrayed as A1 and A2 apprehending arrest at the hands of the respondent police for the offences punishable under sections 420 and 506(i)IPC, in Crime No.47 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant lodged a complaint that A1-Jeyakanthan stated that he wanted Rs.5,00,000/- to meet out the expenditure in a case filed by his wife before the High Court. So on that account, he borrowed Rs.5,00,000/- from her. In the month of November 2018, A1-Jeyakanthan and A2-Jeyaraman represented that they can start a business by partnership. Believing the words of the above said persons, she paid Rs.70,00,000/-. Again she paid Rs.30,00,000/- and apart from that, she also paid several money, totalling Rs.1.40



crores. When the money was demanded back, they failed to return it and also criminally intimidated. Over which, the present complaint has been registered.

3. Seeking anticipatory bail, this petition has been filed by the petitioners/A1 and A2 on the ground that the earlier complaint that was given by the de-facto complainant was closed, finding that it is a money transaction between the parties. Over which, cheques were also issued by the accused persons. The earlier complaint was enquired in C.No.99 of 2021. During the course of enquiry, it was found that towards discharge of the liability, the accused persons issued several cheques, but they were dishonoured.

4. It is seen from the records, finding that it is a business transaction between the parties, the opinion of the legal adviser was also sought by the respondent police. Based upon the advice of the legal adviser, the above said complaint was closed with an advice to the parties to work out their remedy through proper proceedings. It is, dated 09/01/2021. After closure of the above said complaint, the present complaint has been filed, by suppressing the above said closure.

5. What was the real issue between the parties is a matter for investigation. The accused persons filed a private complaint in STC No.973 of 2021 before the Judicial Magistrate, Ottanchathiram stating that the de-facto complainant is liable to be punishable under section 501(b) IPC, wherein they have stated a different story.

6. Reading of the typed set of papers shows that there was dispute between the parties over the money transaction. Over which, several complaints have been given, one among the complaint is present one.

7. As mentioned earlier, whatever it may be, what is the real transaction between the parties is a matter for investigation. Since already the complaint given by the de-facto complainant has been closed, how the second complaint came to be registered is not known. It is a matter for investigation.

8. Considering the above facts and circumstances of the case, this court is inclined to grant **anticipatory bail is granted** to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.1, Dindigul and on each of them executing 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 learned Magistrate concerned and the petitioners shall appear before the respondent police daily at 10.30 am until further orders. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously. The



petitioners shall appear before the concerned Magistrate a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail will stand dismissed.

sd/-

17/08/2022

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/09/2022

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

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 JUDICIAL MAGISTRATE NO.I,
DINDIGUL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
DINDIGUL,
DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.KANNAPPAN.A.R., Advocate SR.No.8762

ORDER

IN

CRL OP(MD) No.119 of 2022
Date :17/08/2022

SA/SVR/SAR.1/05.09.2022/3P/6C