



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated: 02/02/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN
Crl.OP(MD)No.523 of 2022

WEB COPY

1.Deelipan Manjunath
2.Muthupandi
3.Karithick @ Karthickeyan.K
4.Mareeswaran

... Petitioners/A1 to A4
Vs.

The State represented by
The Sub Inspector of Police,
Sivakasi East Police Station,
Virudhunagar.

(Crime No.569 of 2021)

... Respondent/Complainant

For Petitioner

: Mr.R.Rajamohan,
Advocate

For Respondent

: Mr.S.Manikandan,
Government Advocate (Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.569 of 2021 on the file of
the Respondent Police.

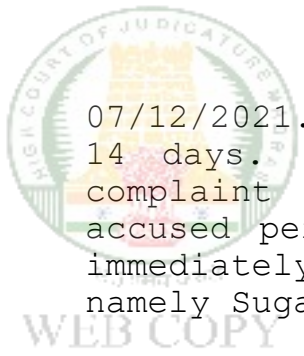
ORDER : The Court made the following order:-

The petitioners, who have arrayed as A1 to A4 apprehending
arrest at the hands of the respondent police for the offences
punishable under sections 294(b), 341, 342, 365, 324 and 506(i)IPC,
in Crime No.569 of 2021 on the file of the respondent police, seek
anticipatory bail.

2.The case of the prosecution is that due to business motive,
on 17.12.2021 at about 6.00 pm, when the de-facto complainant was
visiting a site for his real estate business with his friend Kumar,
the accused persons said to have wrongfully restrained and kidnapped
the de-facto complainant and took him to a quarry at Maraneri
Village, where they assaulted and threatened the de-facto
complainant.

3.Heard both sides.

4.Reading of the FIR shows that for the purpose of recovering
money, which is cheated by the de-facto complainant brother and one
Kokilavani, he was kidnapped by A1-Manjunath with the aid and help
of his henchmen through a vehicle and was taken to a brick kiln and
he was assaulted severely and later, dropped near Sivakasi East
Police Station. The occurrence said to have taken place on



07/12/2021. The case was registered on 13/12/2021 after a lapse of 14 days. The reason for the delay has been mentioned in the complaint that he was criminally intimidated by the above said accused persons. So he was not in a position to give a complaint immediately. He was also taking treatment in a private hospital namely Sugavanam Hospital.

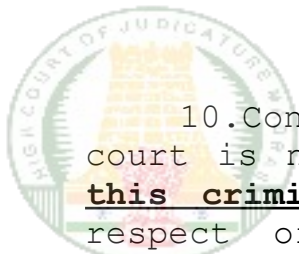
5.Now the case of the petitioners is that the brother of the de-facto complainant by name Johnson and other three family members started a company called as "INIGO CHIT Fund PRIVATE LIMITED and also started a bank called 'INIGO BANK. They have also introduced bogus savings scheme and received serveral lakhs of rupees from the public. They also engaged some 25 employees and received deposit amount from them also. But later cheated the public and some of the employees also lodged a complaint in Crime Branch on 06/11/2021. Noting that this petitioner is also taking steps to lodge a complaint, this false complaint has been given after a lapse of 14 days.

6.The entire CD file also perused. The whereabouts of the above said chit company/bank promoter and the directors of the company and cheated amount involved in this case was not known. It is also seen that the public have been cheated by the above said accused persons and some of the persons were also the employees of the above said company on the complaints by those persons, enquiry was also undertaken.

7.It appears that during the course of the above said enquiry only, the above said occurrence took place. A serious doubt has been raised by the petitioners with regard to the very nature of the occurrence.

8.According to the petitioners, if really as stated the events took palce, the complaint ought to have been given immediately. There is no record to show that the de-facto complainant was assaulted and she has also sustained injuries.

9.Perusal of the CD file shows that as mentioned above, it has been stated that complaint has been given after a lapse of 14 days. Reason for the delay in the complaint is not believable one. No materials have been collected to show that the de-facto complainant sustained injuries and took treatment from the private hospital and all these things can be found out only during the course of investigation. But however, the antecedent of the petitioners have been brought to the notice of this court, wherein we find that A2 namely Muthupandi is facing a criminal case in Crime No.573 of 2014 on the file of the Satthur town police station and apart from another case in Crime No.729 of 2010. Against A1/the first petitioner, case has been registered during the pandemic situation for the violation and regarding other provisions, no previous case



10. Considering the antecedent of the 2nd petitioner/A2 this court is not inclined to anticipatory bail to A2 and accordingly, this criminal original petition is dismissed as against him. In respect of others, anticipatory bail is granted with certain conditions.

11. Accordingly, the petitioners 1, 3 and 4/A1, A3 and A4 are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, Sivakasi 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 1, 3 and 4/A1, A3 and A4 shall appear before the respondent police once in 15 days at 10.00 a.m. until further orders. The petitioners 1, 3 and 4/A1, A3 and A4 shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. The petitioners 1, 3 and 4/A1, A3 and A4 shall appear before the concerned Magistrate within 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/-

02/02/2022

/ TRUE COPY /

/ /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.II,
SIVAKASI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE SUB INSPECTOR OF POLICE
SIVAKASI EAST POLICE STATION, VIRUDHUNAGAR
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.523 of 2022

Date : 02/02/2022

SS/VR/SAR-III/09.02.2022 : 3P/5C

<https://hcservices.ecourts.gov.in/hcservices/>