



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 25/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.3063 of 2022

and

Crl.M.P.(MD) No.2500 of 2022

N.Balaji

... Petitioner/1st Accused

Vs

State rep.by
The Inspector of Police,
CCB Police Station,
Madurai City
(Crime No.1/2022).

... Respondent/Complainant

For Petitioner : M/s.Muthukamatchi.V, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor(Crl.side)

For Intervenor : Mr.G.Mohan Kumar, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.01 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner is facing charges under Sections 294(b), 506(i), 406 and 420 IPC in Crime No.1 of 2022 on the file of the respondent police.

2.The case of the prosecution in brief is as follows:-



3.The defacto complainant lodged a complaint stating that he is a Doctor by profession. He wanted to admit his daughter in the post-graduate medical course in M.D.Radiology. At that time, the accused persons approached him stating that they can arrange a seat for his daughter in Ramachandra Medical College.

4.The accused persons received a sum of Rs.1,60,00,000/- (Rupees One Crore and Sixty Lakhs only). After that, they could not procure the seat. When the money was demanded back, the accused persons repaid Rs.1,24,00,000/- (Rupees One Crore and Twenty Lakhs) in instalments. The balance amount was Rs.36,00,000/-. When the accused, namely Shanthi was contacted by the defacto complainant, she told him that he should approach the accused, namely Balaji, who is the petitioner herein, stating that the entire amount was handed over to him. After that, he contacted the petitioner, who promised to return the money. But later, the petitioner gave a false complaint against the defacto complainant in Nagamalai Pudhukottai Police Station. In the enquiry, the petitioner did not appear, where as the defacto complainant attended the enquiry. The aforesaid case was registered as per the order of this Court made in CrI.O.P.(MD) No.18127 of 2021.

5.Now, seeking anticipatory bail, the petitioner/A1 has moved this petition on the ground that the defacto complainant got the hand loan from him and in the course of the aforesaid transaction, he issued a cheque for Rs.20,00,000/- on 12.07.2021. That was presented for collection, but it was returned. So, he filed a complaint in STC.No.12 of 2022 before the learned Judicial Magistrate No.II. Over that enmity only, the present case has been registered.

6.Heard the learned counsel on either side.

7.The defacto complainant is a Doctor by profession and how he was able to think that he can secure a post-graduate medical seat in Ramachandra Medical College by paying money. It is very unfortunate that even the educated people are making such sort of arrangements. Now, whatever it may be, the complaint has been given and the case has also been registered after a very long time and after a prolonged litigation also.

8.As I mentioned earlier, only in pursuance of the order of this Court, the case has been registered. Now, the simple answer that has been given by this petitioner is that only the hand loan was obtained by the defacto complainant from him and except that, he has not involved in the aforesaid transaction as mentioned in the complaint.

9.Reusal of CD file shows that by the complaint dated 12.06.2021, the accused alleged that the defacto complainant



approached him to secure the medical seat and so, he promised to assist him as a Mediator. So, there was a direct contact between the defacto complainant and the aforesaid person. In his presence, the money was paid to the aforesaid unnamed persons. Noting that, they were unable to secure the medical seat at his instance, the aforesaid known persons returned the money. After that, there was some sort of misunderstanding between him and the defacto complainant.

10. On the particular date, the defacto complainant along with other co-accused came to his office criminally intimidated and demanded money. He told them that money was settled in 2011 itself. Even after the aforesaid reply, there is continuous threat from him. So, this is the complaint, which was enquired, but that complaint was closed along with the complaint that was given by the defacto complainant, noting that absolutely there was no documentary evidence for proving the transaction.

11. Whether the disputed cheque was issued by the defacto complainant towards the discharge of his liability to the petitioner is a matter for consideration by the concerned trial Court. Only on the basis of the complaint given by the petitioner dated 12.06.2021, this Court directed to register the FIR. When huge amount is involved, the contention on the part of this petitioner that it is only a money transaction between himself and the defacto complainant cannot be accepted at this stage. So, the manner, in which the occurrence said to have taken place, disentitles the petitioner from claiming the discretionary relief of anticipatory bail.

12. This Criminal Original Petition deserves to be dismissed and accordingly, dismissed. The petitioner has to undergo the process of custodial interrogation to bring out the true affairs about the money. Consequently, connected miscellaneous petition is closed.

Sd/-
25/07/2022

/08/2022
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MM

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.



1. THE INSPECTOR OF POLICE,
CCB POLICE STATION, MADURAI CITY

2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.G.MOHAN KUMAR, Advocate SR.No.7622

ORDER
IN
CRL OP(MD) . No.3063 of 2022
and
Cr1.M.P.(MD) No.2500 of 2022
Date :25/07/2022

SP/SVR/SAR II/01/08/2022/4P/4C