BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

RESERVED ON : 29/03/2022
PRONOUNCED ON: 04/04/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.4718 of 2022

Ramprabhu @ Ramprabhu Rajendran ... Petitioner/Sole Accused

Vs

1. The State Rep. By,
   The Inspector of Police,
   District Crime Branch,
   Virudhunagar District.
   (Crime No. 3 of 2022). ... Respondent/Complainant

(*)2.Muhammadu Thamaim Baig ... 2nd Respondent

(*)R2 Suo Motu Impleaded as Per Order of this Hon'ble Court dated 11.03.2022 in Crl.OP(MD) No.4718/2022 by KMSJ.

3. Vignesh
4. Mohan Babu
5. S.Velu
6. G.V.Govindarajan
7. Ramesh Sundaram ... Intervene Petitioners/ Petitioners

For Petitioner : Mr.N.R.Elango
Senior Counsel
for Mr.G.Mariappan

For Respondent : Mr.E.Antony Sahaya Prabhar,
Additional Public Prosecutor

For Intervenor : Mr.T.Lajapathi Roy, Advocate

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No. 3 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole accused, who was arrested and remanded to judicial custody on 25.02.2022 for the offences punishable under Sections 420, 465, 468, 471 and 506(i) I.P.C., in Crime NO.3 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant who is a resident of Chennai, was running a business dealing with Event Management, that in the year 2015, one Balamurugan introduced the accused with the defacto complainant at his farm house situated at Krishnankovil, that the accused briefed him Iridium business which was allegedly running by him successfully, that the accused had also informed him that he had already supplied Iridium to Austrialian Company and he has to receive a sum of Rupees Ten Thousand Crores towards the above said transaction, that the accused had also shown some documents purported to have issued by the Reserve Bank of India as if a sum of Rupees Ten Thousand Crores is due to the petitioner/accused, that the petitioner/accused had induced the defacto complainant by saying that if he pays Rs.1,00,000/-, the same will be returned as Rs.1,00,00,000/-, that the defacto complainant being induced by the false representation, had parted a sum of Rs.5,00,000/- through Bank transaction and Rs.5,00,000/- in cash, that the defacto complainant's friend Velu had also paid a sum of Rs.10,00,000/-, that the accused had not honoured his promise and when the defacto complainant had demanded the repayment of amount, the accused has issued some signed unfilled stamp papers and cheques as security towards repayment and that though the defacto complainant had been demanding the repayment of the amount, the petitioner/accused has not chosen to return the money. Hence, the present complaint.

3. The petitioner's case is that he is an intensive agriculturist doing agriculture and life stock profession, that he is having an organic farm and is having 60 cows and other live stocks, that the petitioner had obtained licence from the Department of Industries and Commerce as an M.S.M.E., Udyok Aadhar Registration, Udyok Aadhar Memorandum, that the petitioner is a registered GST and Income tax assessee, that he has also been running some enterprises and obtained registration for import and export, that the petitioner is a philanthropist and has been donating to the poor sections of the society, that the petitioner had obtained a loan of Rs.5,00,000/- through bank transaction and Rs.5,00,000/- in cash during 2015, that the petitioner had repaid the amount which had received through bank transaction, that he has also paid interest, that the defacto complainant has started to harass the petitioner for repayment of Rs.5,00,000/- and that since there was some calculation misunderstanding between the parties, the amount cold not be settled.

4. The learned Senior Counsel appearing for the petitioner would submit that the defacto complainant had already submitted a petition to the Superintendent of Police, Virudhunagar which was forwarded to the Deputy Superintendent of Police for enquiry, that the defacto complainant had demanded Rs.5,00,000/- inspite of the dispute between the parties, that the accused had agreed to pay the amount in order to avoid further complications, that he has sent his Palkarasu along with Balamurugan to Chennai on 25.02.2020 and a sum of Rs.3,00,000/- was paid by Palkarasu and Balamurugan to the defacto complainant at Hotel Lela Palace, Chennai, that the defacto complainant has also issued the letter of 'No due amount', which was also countersigned by S.Velu, who is the close associate of the defcto complainant, that the defacto complainant had returned back the cheques and documents and subsequently came to know that the defacto complainant had returned only colour xerox of the above documents and thereby played a foul practice and that the above complaint has been lodged with sole intention to harass the petitioner.

5. The learned Senior Counsel appearing for the petitioner would further submit that after handing over the necessary documents before the District Crime Branch, the complaint was ordered to be closed, since it was in civil nature and the defacto complainant has accepted the above closure and that he has not raised any objections nor taken any proceedings. It is the further case of the petitioner that due to the political change of scenario, local body election was conducted during February 2022, that the brother and sister of the petitioner had contested in Sundarapandiam Town Panchayat Ward Member election representing the opposite party and the above two candidates have successfully returned as Councillors and that being enraged, the above false case came to be lodged.

6. The learned Additional Public Prosecutor appearing for the State wold submit that after registration of the present F.I.R., and the arrest of the petitioner/accused, they have received 5 more complaints, which includes the complaint given by one Velu, who was referred by the defacto complainant himself and according to them, they were also cheated by the petitioner/accused to the tune of Rs.10,00,000/-, Rs.10,00,000/-, Rs.23,00,000/- and Rs.1,71,79,000/- totally Rs.2,24,79,000/-.

7. Five persons have filed a petition in Crl.M.P.(MD)No.3677 of 2022 seeking permission to intervene in the above matter and according to them,one Vignesh, who is a Tamil actor, had paid Rs.1,71,79,000/-, that the second petitioner in intervening petition - Mohan Babu had given Rs.25,00,000/-, that the petitioner 3 to 5 had given Rs.10,00,000/-, Rs.6,00,000/- and Rs.10,00,000/- respectively.

8. The learned Counsel for the second respondent and the learned Counsel for the intervenors would submit that the

petitioner/accused had defrauded several crores of rupees and that some organized persons and organized syndicate had assisted and associated with him and only the custodial interrogation would reveal the truth and the unknown persons will come into lime light.

9. The petitioner as well as the intervenors have filed bank statements in an attempt to prove their respective contentions. The learned Counsel for the intervenors has produced the copies of two proceedings of the Additional Superintendent of Police, Virudhunagr District dated 30.12.2016 and 30.11.2020 and wherein the complaints were enquired into and in the first report, at the instance of Govindarajan, President to Athipatti, enquiry was proceeded and the Additional Superintendent of Police has given a decision that since the complainant was informing that he is having prima facie evidence to show the Iridium fraud allegedly committed by the petitioner/accused, recommended for further enquiry by the Deputy Superintendent of Police against the petitioner herein. In the second report, the Additional Superintendent of Police has stated that the petitioner was doing agricultural work in his own lands, that he was having two, three cars and was using Fortuner car, that he was giving donations to the temple festivals, that he was also running one organisation and charitable trust for the welfare of the people and he was conducting Sports Meet and thereby he was making advertisement for himself. The Additional Superintendent of Police while concluding his report, that there are some prima facie materials to show that the petitioner/accused had been doing Iridium business and was defrauding the people and that thorough enquiry has to be conducted to find out the alleged fraud committed by the petitioner.

10. As rightly contended by the learned Senior Counsel for the petitioner, the complaints lodged by the defacto complainant and reiterated by the other intervenors are not the first time allegations and the present allegations were levelled as early as in the year 2016 itself. The learned Senior Counsel for the petitioner would further submit that they are having audio conversation between the petitioner and the actor Vignesh, wherein he had directed the petitioner to pay Rs.30,00,000/- or else, he would join hands with the present defacto complainant and reiterate the Iridium fraud. He would further submit that the actor Vignesh, before the press meeting conducted earlier had specifically claimed that the petitioner was not involved with Iridium fraud.

11. Before the entry of the intervenors, Thiru.G.Mariappan, learned Counsel for the petitioner has filed an affidavit sworn by the petitioner, wherein he has specifically given an undertaking that he is ready and willing to deposit Rs.10,00,000/- to the credit of the above case without prejudice to his contentions. After the entry of the intervenors, Mr.G.Mariappan, learned Counsel has filed an affidavit sworn by the petitioner, wherein the petitioner has stated that he is ready and willing to deposit a sum of

Rs.20,00,000/- before the concerned trial Court. The learned Counsel would further submit that the petitioner is also ready to produce the Bank guarantee or any other security worth about Rupees Two Crores before the concerned Court within a period of one month after releasing on bail.

12. The learned Additional Public Prosecutor appearing for the State would submit that the petitioner was arrested on 24.02.2022 and recorded the confession statement of the accused and thereafter he was remanded to judicial custody on 25.02.2022.

13. Considering the above facts and circumstances and also the nature of charges levelled against him and the petitioner is in custody from 24.02.2022 and also taking note of the undertaking affidavit given by the petitioner's side, this Court is inclined to grant bail to the petitioner with certain conditions.

14. Accordingly, the petitioner is directed to deposit a sum of **Rs.20,00,000/- (Rupees Twenty Lakhs only) to the credit of Cr.No.3 of 2022,** on the file of the respondent before the Judicial Magistrate concerned, without prejudice to his rights and contentions before the trial Court and on such deposit, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/-(Rupees Twenty Five Thousand only) with two sureties each for a like sum of the satisfaction of the learned Judicial Magistrate No.II, Virudhunagar and on further conditions that;

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30a.m., until further orders;

(c)**After coming out on bail, the petitioner is directed to produce the bank guarantee or title deeds of the property worth about Rupees Two Crores before the concerned Court within a period of one month after releasing on bail**;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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 have 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;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
04/04/2022

/ 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, VIRUDHUNAGAR.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
   VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3. THE OFFICER-INCHARGE,
   DISTRICT JAIL, VIRUDHUNAGAR.

4. THE INSPECTOR OF POLICE,
   DISTRICT CRIME BRANCH,
   VIRUDHUNAGAR DISTRICT.

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

+2 CC to M/s.G.MARIAPPAN, Advocate (SR-2913[I] dated 04/04/2022)

+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-2921[I] dated 05/04/2022)

+1. CC to M/S.LAJAPATHI ROY, Advocate SR.No.16492 (F), Dated 05.04.2022).

ORDER
IN
CRL OP(MD) No.4718 of 2022
Date :04/04/2022

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USK/VR/SAR-I/05.04.2022/6P/10C