



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/11/2022

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PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.6689 of 2022

1. Kanagamoorthi

2. Kaladevi

... Petitioners/Accused Nos.1 and 2

Vs

The State represented by
The Inspector of Police,
City Crime Branch Police Station,
Trichy City.
(Crime No.06/2022).

... Respondent/Complainant

For Petitioners : M/s.Maheswaran R,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Additional Public Prosecutor

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

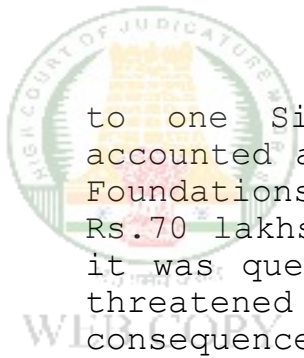
PRAYER :-

For Anticipatory Bail in Crime No.06/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 381, 417, 420, 465, 468, 506(i) of IPC, in Crime No.06 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant and his wife namely Malini had formed a Company by name M/s. Lavanya Property Developers Private Limited. They also formed a company by name M/s.Kohinoor Foundations Private Limited on 22.01.2008. The first petitioner was appointed as Managing Director of M/s.Kohinoor Foundations Private Limited by the defacto complainant and his wife. The complainant had received a sum of Rs.90/- lakhs from the sale of 50 cents of land



to one Sivanadhan vide document No.5455 of 2012, but had accounted a sum of Rs.20 lakhs only to the account of M/s.Kohinoor Foundations Private Limited and he has not accounted the balance of Rs.70 lakhs. Thereby, the petitioners had committed forgery. When it was questioned by the defacto complainant, the first petitioner threatened the defacto complainant and his wife with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioner is the Managing Director of the M/s.Kohinoor Foundations Private Limited. The sale consideration was given to the defacto complainant and the defacto complainant signed as witness in the said document. The entire transactions of the company were shown in each and every assessment year of the company. On 30.03.2017, the defacto complainant and his wife had sold 60% of their shares to M/s.Kohinoor Foundations Private Limited and also the defacto complainant and his wife were ceased to be the Director of the Company M/s.Kohinoor Foundations Private Limited and they have no right or authority to interfere with the administration and management of the said company. He would further submit that without any right or authority over the property of M/s.Kohinoor Foundations Private Limited, the defacto complainant had entered into an agreement with one Selvakumar to sell the properties of the above said company and received the sale consideration. Hence, a complaint against the defacto complainant was registered in Crime No.09 of 2021. Further, the petitioners are innocent persons and they have committed any offence as alleged by the prosecution and in respect of the aforesaid issue, the suit in O.S.No.97 of 2022 on the file of the Principal Sub Court, Tiruchirappalli, is pending. Hence, he may be granted anticipatory bail.

4. The learned Government Advocate (crl.side) appearing for the respondent police opposed for grant of anticipatory bail to the petitioner stating that the petitioners had sold the property belongs to the defacto complainant and his wife to the tune of Rs.90 lakhs and only a sum of Rs.20 lakhs has been deposited in the account of M/s.Kohinoor Foundations Private Limited and the account has not been maintained properly for the remaining sum of Rs.70 lakhs and thereby, the petitioners misappropriated the said Rs.70 lakhs. He would further submit that investigation in this case is still pending. Since huge amount involved in this case, custodial interrogation of the petitioner is very much necessary in this case.

5. The learned counsel for the intervener argued elaborately on all the grounds available to him and vehemently opposed for grant of anticipatory bail to the petitioners.

6.Considering the nature and gravity of the offence and considering the fact that investigation in this case is still pending and also the facts that huge amount involved in this case



necessary, this Court is not inclined to grant anticipatory to the petitioners.

7. Accordingly, this Criminal Original Petition is dismissed.
sd/-

03/11/2022

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

TO

- 1 THE INSPECTOR OF POLICE
CITY CRIME BRANCH POLICE STATION, TRICHY CITY.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.6689 of 2022

Date :03/11/2022

PKP/VR/SAR III/22.11.2022/ 3P/ 3C