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Crl.OP(MD)



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 08/09/2022

PRESENT

The Hon'ble Mr. Justice **G. ILANGO VAN**

Crl.OP(MD)No.7140 of 2022

C.R.Ramachandran : Petitioner/Accused Rank No.3
Vs.

1.The State rep. By
The Inspector of Police,
City Crime Branch,
Tiruchirappalli City,
(Crime No.9 of 2022) : Respondent

2.P.T.Rajan : Intervene Petitioner/
Defacto Complainant
in Crl MP(MD)No.6738 of 2022
in Crl.OP(MD)No.7140 of 2022

For Petitioner : Mr.K.R.Kishore Ram, Advocate

For Respondent : Mr.P.Kottah Chamy
Government Advocate
(Criminal side)

For Intervener : Mr.R.Senthil Kumar, Advocate

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

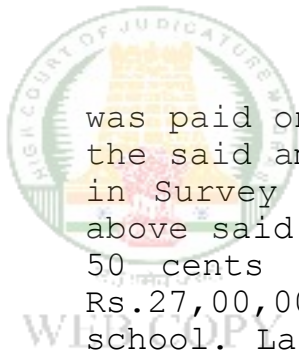
PRAYER:-

For Anticipatory Bail in Crime No.9 of 2022 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order:-

The petitioner, who is arrayed as A3 apprehending arrest at the hands of the respondent police for the offences punishable under sections 417, 420, 294(b), 506(i) and 120(B) IPC, in Crime No.9 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant lodged a complaint stating that during May 2009, the petitioner, who is an Auditor informed him that the property situated near Samayapuram is coming for sale and the Managing Trustee was one K.S.Raja Shanmughavel, who is arrayed as A1 herein and A2 was the Secretary. For purchasing the property situated in Survey No.24/1A & 27, he paid Rs.1.25 Crores and advance amount of Rs.25,00,000/-



was paid on the advise made by A3, who is the petitioner he: or the said amount, they executed a sale deed for the property situated in Survey No.204/1A measuring 1.20 Acres, on 17/11/2011. Again the above said A1, received Rs.30,00,000/- and executed a power deed for 50 cents in the above said survey number. Again, they received Rs.27,00,000/-. But they failed to change the management of the school. Later they informed that in respect of the property of the school, cases are pending in High Court. They also received Rs.5,00,000/- for the above litigation expenses. So far Rs.1,17,00,000/- has been received. They also cancelled the power of attorney deed, on 26/09/2020. Only at that time, the de-facto complainant came to know about the above said cheating. In October 2021, he approached the accused persons about the transaction. At that time, he was abused and criminally intimidated. On the basis of the above said facts, the case was registered.

3.Now seeking anticipatory bail, this petitioner, who is arrayed as A3 has filed the petition.

4.Heard both sides.

5.The allegation that has been alleged against the petitioner is that only on the introduction that was made him, the above said proposal was accepted by the de-facto complainant. But later, it came to know that the above said power of attorney was cancelled, on 26/09/2020 and the management was also not transferred.

6.Now the allegation against this petitioner-A3 is that he received 2% commissioner. But nowhere in the complaint, it has been stated like that. Only in that complaint, it has been stated that Rs.25,00,000/- was paid to A3 for settling the over dues for some other persons. According to the learned counsel appearing for the petitioner/A3, except introducing A1 to the de-facto complainant, he was not involved in the above said transaction.

7.But from the facts, it is seen that he is the introducer. He received Rs.25,00,000/- and in turn, handed over the same to A1 for payment for settling the dues with some other persons. Even though, it has been submitted by the learned counsel appearing for the intervener that only believing his words, he entered into the above said transaction, he accepted the proposal since he did not know A1 directly earlier.

8.Now whatever it may be, a new allegation has been made to the effect that the petitioner/A3 received 2% commissioner. Since there is no averment in the FIR, he is entitled for anticipatory bail.

9.Considering the role that has been played by this petitioner, this court is inclined **to grant anticipatory bail** to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance



before the learned Judicial Magistrate No.1, Trichy and is 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 Judicial Magistrate concerned and the petitioner shall appear before the respondent police, daily at 10.00 am, until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C scrupulously. The petitioner 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 stands dismissed.

sd/-
08/09/2022

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/09/2022

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

TO

- 1.THE JUDICIAL MAGISTRATE NO.1, TRICHY.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.
- 3.THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
TIRUCHIRAPPALLI CITY.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7140 of 2022
Date :08/09/2022

RK/SVR/SAR-II (20/09/2022) 3P/5C