



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 06/09/2022

PRESENT

The Hon'ble Mr.Justice **G.ILANGOVAN**

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Crl.OP(MD)Nos.9170, 9695, 9961, 10076, 10141 and 13557 of 2021

1.Crl.OP(MD)No.9170 of 2021:-

1.M.Esakkipandi

2.M.Rajaram

3.S.Raman : Petitioners/Accused No.7,17 & 18

Vs.

1.The State rep. By

The Inspector of Police,

District Crime Branch,

Tirunelveli District.

(Crime No.14 of 2021)

: Respondent/Complainant

2.G.Suresh

: Petitioner/Intervener

in Crl MP(MD)No.4810 of 2021

in Crl OP(MD)No.9170 of 2021

For Petitioners

: Mr.R.Anand, Advocate

For Respondent

: Mr.B.Thanga Aravindh

Government Advocate

(Criminal side)

For Intervener

: Mr.R.Pon Karthikeyan , Advocate

2.Crl.OP(MD)No.9695 of 2021:-

1.Kaviarasan

2.P.Durai

: Petitioners/Accused No.2 & 5

Vs.

1.The State rep. By

The Inspector of Police,

District Crime Branch,

Tirunelveli District.

(Crime No.14 of 2021)

: Respondent/Complainant

2.G.Suresh

: Petitioner/Intervener

in Crl MP(MD)No.5389 of 2021

in Crl OP(MD)No.9695 of 2021



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For Petitioners : Mr.R.Anand ,Advocate
For Respondent : Mr.B.Thanga Aravindh
Government Advocate
(Criminal side)
For Intervener : Mr.R.Pon Karthikeyan ,Advocate

3.Crl.OP(MD)No.9961 of 2021:-

T.Iyyappan : Petitioner/Accused No.1

Vs.

1.The State rep. By
The Inspector of Police,
District Crime Branch,
Tirunelveli District.
(Crime No.14 of 2021) : Respondent/Complainant

2.G.Suresh : Petitioner/Intervener
in Crl MP(MD)No.5388 of 2021
in Crl OP(MD)No.9961 of 2021

For Petitioner : Mr.P.Gunasekaran,Advocate
For Respondent : Mr.B.Thanga Aravindh
Government Advocate
(Criminal side)
For Intervener : Mr.R.Pon Karthikeyan, Advocate

4.Crl.OP(MD)No.10076 of 2021:-

E.Muppuliapandiyan @ Senthil Kumar : Petitioner/Accused No.7

Vs.

1.The State rep. By
The Inspector of Police,
District Crime Branch,
Tirunelveli District.
(Crime No.14 of 2021) : Respondent/Complainant

2.G.Suresh : Petitioner/Intervener
in Crl MP(MD)No.5387 of 2021
in Crl OP(MD)No.10076 of 2021



For Petitioner

: Mr.R.Anand , Advocate

For Respondent

: Mr.B.Thanga Aravindh
Government Advocate
(Criminal side)

For Intervener

: Mr.R.Pon Karthikeyan, Advocate

5.Crl.OP(MD)No.10141 of 2021:-

Mani @ Manikandan

: Petitioner/Accused No.4

Vs.

1.The State rep. By
The Inspector of Police,
District Crime Branch,
Tirunelveli District.
(Crime No.14 of 2021)

: Respondent

2.G.Suresh

: Petitioner/Intervener
in Crl MP(MD)No.5462 of 2021
in Crl OP(MD)No.10141 of 2021

For Petitioner

: Mr.R.Rajesh Kumar, Advocate

For Respondent

: Mr.B.Thanga Aravindh
Government Advocate
(Criminal side)

For Intervener

: Mr.R.Pon Karthikeyan

6.Crl.OP(MD)No.13557 of 2021:-

S.Arunkumar

: Petitioner/Accused

Vs.

The State rep. By
The Inspector of Police,
District Crime Branch,
Tirunelveli District.
(Crime No.14 of 2021)

: Respondent/Complainant

For Petitioner

: Mr.S.Raja, Advocate

For Respondent

: Mr.B.Thanga Aravindh
Government Advocate
(Criminal side)



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

PRAYER:-

For Anticipatory Bail in Crime No.14 of 2021 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order:-

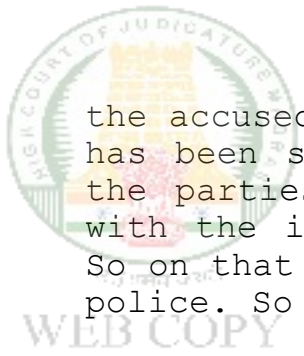
The petitioners, who are arrayed as accused persons apprehending arrest at the hands of the respondent police for the offences punishable under sections 406, 420 IPC @ 120(B), 406, 420 and 379 (NP) IPC, in Crime No.14 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant lodged a complaint stating that he is running a tractor sales centre in Virudhunagar. For the purpose of developing his business, he also started a service centre. A1 was appointed as Sales Manager. He was also permitted to sell the tractors. He was instructed to follow proper procedure by receiving aadhar card, identification card or land documents and cheque books and by receiving Rs.1,50,000/- to Rs.2,00,000/- as advance amount and must also make arrangements for finance through a company called 'BAROTA'. Only after complying the above said process, the tractors must be sold to the customers. In 2021, in the last week of February, he verified the documents and accounts. At that time, he found various irregularities that the documents have been created by forging the signature of the parties aadhar card and other documents and thereby caused loss to the tune of Rs.25,00,000/- to the company. When that was enquired with A1, he revealed that along with A5 to A8, they created false records and also criminally intimidated. On further enquiry with A2 to A4, who alleged to have purchased the tractors, they stated that they are not in possession of the vehicle and the documents were also verified, which were also not found to be correct. They also found that A1, A5 to A8 received the above said tractors. Only on that occasion, it came to know that the above said illegal activity has been carried out. He has also mentioned the chassis, engine number, etc., in the complaint. It is further stated that the officials also suffered a loss of Rs.50,00,000/-. So A1 to A19 not only committed cheating the customers, but also cheating the above said finance company. On the basis of the above said complaint, the case was registered.

3.Now seeking anticipatory bail, the petitioners are before this court.

4.All the petitions were heard together and this common order is passed.

5.When the matter was heard by the concerned roster Judge, on 04/11/2021, the matter was referred to the Mediation Centre, since



the accused persons were willing to settle the issue. But the court has been sent stating that no compromise has been reached between the parties. So again opportunity was given to them to co-operate with the investigation process conducted by the respondent police. So on that ground, they were ordered to appear before the respondent police. So the matter was kept adjourned 24/05/2021 onwards.

6.It is further seen from the order sheet that A7, A17 and A18 were deleted from the case. It has been also been submitted that out of 14 vehicles, only one vehicle was found out and other vehicles ordered to be recovered. It is further seen that A2, A3, A4, A9 to A19 have also been deleted. The persons, who purchased the vehicles have also been mentioned in the list. Now T.Ayyappan, Kaviarasu, M.Esakkipandi, Rajaram and Esakkimuthu are shown as accused. Those persons have been deleted on the ground that they are the purchasers and they are not involved in the above said offence. So they have been deleted.

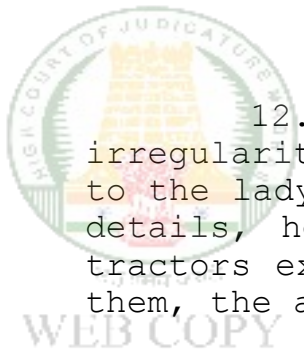
7.It is further seen from the report that A1 namely Ayyappan in collusion with the other six accused sold the tractors to the above said persons. Registration was also not undertaken. Without RC book, they sold the tractors. As seen from the report, the *modus operandi* of the above said persons is clear.

8.From the above said report, it is seen that A17 and A18, who are the petitioners 2 and 3 in Crl.OP(MD)No.9170 of 2022 have been deleted. So the petition filed by them is dismissed as unnecessary.

9.Now the rank of the accused as per the information furnished by the respondent police is A1-Ayyappan, A2-Kaviyarasu, A3-Esakki Pandi, A4-Mani @ Manikandan, A5-Durai, A6-Subrmani @ Mani, A7-Muppuliapandi and A8-Arunkumar. Among the above said eight persons, Durai and Mani @ Manikandan were arrested, on 19/07/2021. By this time, they might have released on bail. As stated above, the *modus operandi* is by creating false records, have taken the tractors from the purchasers and sold the same to the third parties.

10.At the time of hearing, the learned counsel appearing for the intervener/de-facto complainant would submit that some of the tractors have been recovered from the other state and the remaining tractors have not been recovered so far. In the above said cheating process, they have caused loss of Rs.67.80 lakhs to the company.

11.The learned Government Advocate (Criminal side) would submit that against A1 to A3, several cases are pending including the offence of 329 IPC. Against A4, the offence of attempt to murder, etc., are pending including a theft case. Against A5, two cases are pending. Against Muppuliapandi-A7, three cases are pending, out of which, two cases have been disposed of.



12. So far as A1-Ayyapan is concerned, he has stated that no irregularity was actually committed and he introduced the customers to the lady staff working in Tirunelveli branch. In respect of staff details, he was not aware. Even the customers, who purchased the tractors expressed their willingness to return back the tractors to them, the amount paid by them must be returned.

13. So far as A2 and A5 are concerned, they would say that they have brought the customers for the purpose of purchasing the tractors. With the collusion of the first accused, no advance amount was received and they have not also connected to the above said issue.

14. The case of A4 namely Mani @ Manikandan, it has been stated that he is noway connected with the above said offence. So far as A7 namely Muppuliapandi is concerned, he has stated that only A1 was in charge of the management and only he is responsible for the above said offence and he was acting as a middle man.

15. So as far as A8 namely Arun Kumar is concerned, he has stated that he took one tractor, on 20/01/2021. Except that, he is not involved in this offence. Now all the persons have acquaintance only with A1. But it appears that large scale conspiracy has taken place.

16. As mentioned earlier, some of the tractors have been recovered and rest of the tractors not yet recovered. The cheated amount of Rs.67.87 lakhs was not also recovered. So if the petitioners are released on anticipatory bail, then there is no possibility for recovering the above said tractors as well as money. So considering the manner in which the offence said to have taken place and the magnitude of the money involved, they are not entitled for anticipatory bail.

17. In the result, all the petitions are **dismissed**.

sd/-
06/09/2022

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/09/2022

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

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TO

1. The Inspector of Police,
District Crime Branch,
Tirunelveli District.

<https://www.mhjn.gov.in/>



2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. CC to M/S.S.RAJA Advocate SR.No.9789

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ORDER
IN
Cr1.OP(MD)Nos.9170, 9695, 9961,
10076, 10141 and 13557 of 2021
Date :06/09/2022

RK/SVR/SAR-II (19/09/2022) 7P/4C