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

Dated: 09/09/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGOVAN

Crl.OP(MD)Nos.13561, 13584, 13832, 13894 and 15766 of 2022

(1)Crl.OP(MD)No.13561 of 2022:-

1.P.Thirumalai
2.N.Valarmathi
3.C.Dhivya : Petitioners/Accused No.6,16 and 17

Vs.

State through
The Inspector of Police,
City Crime Branch,
Trichy.
(In Crime No.24 of 2022) : Respondent/Complainant

For Petitioners : Mr.A.Sivasubramanian, Advocate

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

For Intervener/ De-facto complainant : Mr.Neethimohan, Advocate

For Intervener/ Victim/Third Party : Mr.M.Subash Babu, Advocate

(2)Crl.OP(MD)No.13584 of 2022:-

Satheesh @ Sathiskumar : Petitioner/Accused No.8

Vs.

State through
The Inspector of Police,
City Crime Branch,
Trichy.
(In Crime No.24 of 2022) : Respondent/Complainant

For Petitioners : Mr.K.Rajeshwaran, Advocate

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

For Intervener/ De-facto complainant : Mr.Neethimohan, Advocate

For Intervener/ Victim/Third Party : Mr.M.Subash Babu, Advocate

(3).Crl.OP(MD)No.13832 of 2022:-

S.Mohanraj @ S.Mohanraja : Petitioner/Accused No.2

Vs.

State rep. By
The Inspector of Police,
CCB Police Station,
Trichy City,
(Crime No.24 of 2022) : Respondent/Complainant

For Petitioner : Mr.A.Robinson, Advocate

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

For Intervener/ De-facto complainant : Mr.Neethimohan, Advocate

For Intervener/ Victim/Third Party : Mr.M.Subash Babu, Advocate

(4)Crl.OP(MD)No.13894 of 2022:-

Manikandan : Petitioner/Accused No.4

Vs.

State through
The Inspector of Police,
City Crime Branch,
Trichy.
(In Crime No.24 of 2022) : Respondent/Complainant

For Petitioners : Mr.K.M.Karunakaran, Advocate

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

For Intervener/ De-facto complainant : Mr.Neethimohan, Advocate

For Intervener/ Victim/Third Party : Mr.M.Subash Babu, Advocate

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

PRAYER:-

For Anticipatory Bail in Crime No.24 of 2022 on the file of the Respondent Police.

(5)Crl.OP(MD)No.15766 of 2022:-

T.Surrender : Petitioner/5th Accused

Vs.

State through
The Inspector of Police,
City Crime Branch,
Trichy.
(In Crime No.24 of 2022) : Respondent/Complainant

For Petitioner : Mr.D.Malaichamy, Advocate

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

For Intervener/ De-facto complainant : Mr.Neethimohan, Advocate

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

PRAYER:-

For Bail in Crime No.24 of 2022 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order:-

The petitioners in Crl.OP(MD)No.13561 of 2022, who are arrayed as A6, A16 and A17; the petitioner in Crl.OP(MD)No.13584 of 2022, who is arrayed as A8; petitioner in Crl.OP(MD)No.13832 of 2022, who is arrayed as A2; and the petitioner in Crl.OP(MD)No.13894 [...]2, who is arrayed as A4 apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 120(B), 406, 420, 409, 294(b) and 506(ii) IPC, in Crime No.24 of 2022 on the file of the respondent police, seek anticipatory bail respectively, whereas the petitioner in Crl.OP(MD)No.15766 of 2022, who is arrayed as A5 was arrested and remanded to judicial custody on 21/07/2022 for the offences under sections 147, 120(B), 406, 420, 409, 294(b) and 506(ii) IPC, in Crime No.24 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant has lodged a complaint stating that he was running a Hotel in his property called 'Kings Paradise'. In the hotel business, they suffered a loss. So they sold the same, on 16/12/2021, for which they received Rs.3 Crores. One Lakshmikanth, who was working as Assistant Manager in Fincare Small Finance Bank was known to them. Through him, the Manager of the said Bank by name Saravanan and the Assistant Managers by name Mohan Raj @ Mohan Raja were also introduced and they promised to pay 8% interest for the deposit amount. So believing the words of the above said persons, they made deposit as mentioned in the complaint. On 09/01/2022, the above said persons arranged a meeting in PLA Rathna Residency at Trichy, wherein several persons attended. In that meeting, they promised that they will pay Rs.5,000/- for every Rs.10,00,000/- as profit. They also received signed cheques. They also promised to deposit the profit. Again deposit was made, as mentioned in the complaint and transactions were undertaken through Bank accounts. On go through the statement of the accounts, they found by misusing the cheques, the accused persons transferred Rs.1,52,46,000/- from the Bank accounts of the de-facto complainant and his brother. They contacted the above said Saravanan and he promised to return the money by getting the same from the above said accused persons. Even after the above said promise, the above said Saravanan did not pay the amount. On 01/07/2022, again they contacted the above said Saravanan and one Anwar. At that time, he was criminally intimidated and abused in filthy language. So on the basis of the above said occurrence, the case was registered.

3.Seeking bail A5 filed Crl.OP(MD)No.15766 of 2022 and others filed anticipatory bail petitions as mentioned above.

4.Heard both sides.

5.The entire CD filed has been called and perused. It shows that large scale cheating, misappropriation involved in the whole affairs. The main accused have stated to be A1 to A3. They have misappropriated the amount from the account of the de-facto complainant and his brother and cheated the amount, which was deposited by them.

6.But so far as Manikandan is concerned, he is arraye 4. Perusal of the record shows that the amount of Rs.40,00,000/- has been transferred to the account of this petitioner/A4 through cheque bearing No.000003 and that amount has been withdrawn from the account of the de-facto complainant. When huge amount of Rs.40,00,000/- was involved, the contention on the part of the accused Manikandan that he is not involved in the above said affairs and only on the basis of the confession statement of the co-accused, he has been arrayed as an accused is not at all correct on record. The contention that he is a relative of A1 and he has been falsely implicated is also not clear on record. No explanation has been offered by him as to how the above said amount has been transferred to his account. Mover-over, more than one crore of rupees is involved in the offence.

7.Considering the contribution that has been made by the petitioner towards commission of the above said offence, the discretionary relief of anticipatory bail is not extended to the petitioner/A4. **Accordingly, Crl.OP(MD)No.13894 of 2022 is dismissed.**

8.Crl.OP(MD)No.13832 of 2022:- This petitioner is arrayed as A2. Reading of the FIR shows that this petitioner was present in the meeting, which was conducted, on 09/01/2022. It is further seen that this petitioner also involved in the transfer of account of A1, the de-facto complainant and his brother's account in the company called 'RM Associates. As per the FIR, Rs.4,80,75,000/- has been misappropriated. When huge money has been misappropriated and no explanation has been offered by the petitioner, he shifted the blame to A1.

9.As per the transaction details made available before this court, the transaction is between Mohamed Abdulla and Mohan Raj and Rs.28,20,000/- that was inturn transferred to A1 account. Similarly between Ramkumar and Mohan Raj, Rs.1,22,00,000/- has been transferred to the account of this petitioner. Apart from that, a portion of the above said amount has been re-transferred from Mohan Raj account to Ramkumar Account and from Mohan Raj account Rs.76,00,000/- was transferred to A1 account. So this petitioner is also not entitled for anticipatory bail. If the petitioner is released on anticipatory bail, he may abscond like that of A1 and may also hamper the investigating process. **So, Crl.OP(MD)No.13832 of 2022 is also dismissed.**

8.**Crl.OP(MD)No.15766 of 2022:**- This petitioner is arrayed as A5. According to him, he is also one among the victim and he invested Rs.25,00,000/-, on 05/01/2022 and that amount was cheated by A1. When that was questioned, he transferred a sum of Rs.15,00,000/- and the remaining amount of Rs.10,00,000/- was not settled. After that only, A1 filed Insolvency Petition. The above Rs.15,00,000/- was also paid to the de-facto complainant through his brother namely Ranjith Kumar, on 18/08/2022 and a memora... as also entered.

9.According to the learned counsel appearing for the petitioner, it is the habit of the de-facto complainant to lodge complaints one after another and after settling the amount, used to give 'No Objection Certificate'. That was also observed by the Principal District Judge, in Crl.MP No.3602 of 2022. But noting that the petitioner is involved in similar type of cases and they are at the initial stage, bail was denied. The learned counsel appearing for the petitioner stated that since Rs.15,00,000/- has been settled by the petitioner to the de-facto complainant, he is entitled for bail.

10.But reading of the complaint shows that he is also present in the above said meeting and through out the above said transactions, this petitioner was also involved. So the contention on the part of the petitioner that he is also one among victim and Rs.15,00,000/- was paid as part of the amount cannot be taken into account.

11.As mentioned above, several crores of rupees are involved in the whole transaction and the money cannot be spilt into separate portion. So if the petitioner is released on bail, there is every likelihood of hampering the investigating process. Accordingly, **Crl.OP(MD)No.15766 of 2022 is dismissed.**

12.Crl.OP(MD)No.13584 of 2022:- This petitioner is arrayed as A8. Reading of the complaint, as stated above, shows that this petitioner is also actively participated in the above said transaction through out the period. When large scale of conspiracy, misappropriation and cheating of amount is involved like that of the above said persons, they are not entitled for anticipatory bail. If he is released on anticipatory bail, there is every likelihood of hampering the investigating process. **Accordingly, Crl.OP(MD)No.13584 of 2022 is dismissed.**

13.So far as the petitioners in Crl.OP(MD)No.13561 of 2022/A6, A16 and A17 are concerned, perusal of the CD file shows that no specific overtract has been attributed against them. A5-Surendar has stated in his statement that A17 namely C.Dhivya was married to him, in 2013. So far as the other petitioners are concerned, no specific overtact has been attributed, except stating that these petitioners were also present in PLA Rathna Residency, Trichy, when canvassing was done by the accused persons.

14.It has been stated that in the above said meeting, the accused Saravnan, Lakshmi Kanth, Mohanraj @ Mohanraja and Anwar were present. Apart from that, Manikandan, Surender, Hari Baskar and Murugan were also present and they were made to believe that they can get huge profit by making the above said investment.

15.In the FIR, it has been stated that apart from the persons, the mother of the 5th accused and wife and several unknown persons were also present.

16.As mentioned above, the involvement of these petitioners has not been found out during the course of investigation undertaken so far. Simply because, they were present in the meeting, that was arranged by the main accused. Unless specific overact is found out during the course of investigation, they are entitled for anticipatory bail, of course with certain conditions. If during the course of investigation, their involvement is also found out and if the custodial interrogation of the petitioners is required, the respondent is at liberty to approach the concerned court for appropriate orders.

14.So in the light of the facts and circumstances of this case, this court is inclined **to grant anticipatory bail to the petitioners/A6, A16 and A17 in Crl.OP(MD)No.13561 of 2022** with certain conditions. Accordingly, the petitioners/A6, A16 and A17 are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.1, Trichy and on each of them 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 petitioners/A6, A16 and A17 shall appear before the respondent police daily at 10.00 am, until further orders. The petitioners/A6, A16 and A17 shall comply with the condition stipulated under Section 438 Cr.P.C scrupulously. The petitioners/A6, A16 and A17 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/-
09/09/2022

/ TRUE COPY /

19/09/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.I,
   TRICHY.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
   TRICHY DISTRICT.

3. THE INSPECTOR OF POLICE,
   CITY CRIME BRANCH,
   TRICHY.

4. THE INSPECTOR OF POLICE,
   CCB POLICE STATION,
   TRICHY CITY.

5. THE SUPERINTENDENT,
   CENTRAL PRISON, TRICHY.

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

+1 CC to M/s.A.SIVASUBRAMANIAN, Advocate (SR-9882[I] dated 12/09/2022)

+1 CC to M/s.M.SUBASH BABU, Advocate (SR-9883[I] dated 12/09/2022)

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-9853[I] dated 12/09/2022)

+1 CC to M/s.A.ROBINSON, Advocate (SR-44377[F] dated 13/09/2022)

ORDER IN
Crl.OP(MD)Nos.13561,13584,13832
13894 and 15766 of 2022
Date :09/09/2022

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USK/VR/SAR-I/19.09.2022/8P/11C