



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
RESERVED ON : 21/04/2022
PRONOUNCED ON: 28/04/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD) . No.14130 of 2021

Maharajan

... Petitioner/Accused

Vs

1. State represented by its
The Inspector of Police,
CCB Crime Branch,
Tirunelveli District.
(Crime No.60 of 2020)

... Respondent/Complainant

2. S.Paripooranam
(R2 suo motu impleaded as per
order of this Court dated
08.03.2022 in Crl.O.P. (MD) No.
14130 of 2021)

... 2nd Respondent/Defacto
Complainant

For Petitioner : Mr.M.SANKAR,
Advocate.

For Respondents: Mr.M.MUTHUMANIKKAM,
Government Advocate (Crl.side) for R1

Mr.S.MICHEAL HELDON KUMAR,
Advocate for R2.

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

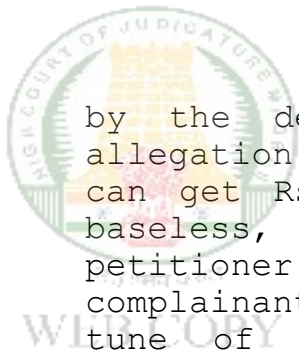
PRAYER :- For Anticipatory Bail in Crime No.60 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 4 of Prize Chit & Money Circulation Schemes (Banning) Act, 1978, and Section 420 IPC, in Crime No.60 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner, who worked in Tirunelveli Corporation Melapalayam zone as Office Assistant, said to have conducted chit business in the name and style of VMS Daily Income and collected money from the defacto complainant and others to the tune of Rs.31,42,375/- and failed to repay the same.

3.The case of the petitioner is that he has not conducted any chit business in the name and style of VMS Daily Income as alleged



by the defacto complainant, that there is no proof for the allegation that within 48 hours for the amount of Rs.1,000/- one can get Rs.1,500/- and the said allegation is totally false and baseless, that the defacto complainant's allegation that the petitioner has collected a sum of Rs.9,78,000/- from the defacto complainant and a sum of Rs.21,64,375/- from others totally to the tune of Rs.31,42,375/- are false and baseless and that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.

4.When the matter was taken up for hearing earlier on 01.10.2021, considering the submission made by the learned counsel for the petitioner, this Court has directed the petitioner to appear before the respondent police and also directed the respondent police to conduct an enquiry and file a report and also granted interim protection to the petitioner.

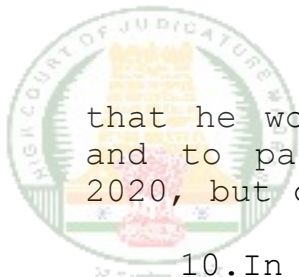
5.When the matter was taken up for hearing again on 04.01.2022, the learned counsel for the petitioner submitted that during the course of investigation, compromise was reached between the petitioner and the defacto complainant and amount was also arrived and in that regard, he has also filed a report before the respondent police and considering the above submission, this Court has directed the petitioner to file an affidavit and thereby extended the interim order already granted.

6.In pursuance of the same, the petitioner has filed an affidavit stating that during the course of enquiry, settlement was arrived between them and he has agreed to pay a sum of Rs.7,00,000/- to the defacto complainant within a period of one year and that the defacto complainant has also agreed for the same. Considering the filing of the above affidavit, this Court has *suo motu* impleaded the defacto complainant as second respondent and ordered notice to the second respondent.

7.Mr.S.Micheal Heldon Kumar, learned counsel entered into appearance for the second respondent.

8.The learned counsel for the second respondent would submit that the defacto complainant has never agreed to receive a sum of Rs.7,00,000/- and that the petitioner has to pay a sum of Rs.31,42,375/-.

9.Moreover, in pursuance of the direction of this Court, the first respondent has also filed a status report, wherein, he has been stated that they have examined the witnesses during the course of investigation and all the witnesses have corroborated the contents of the FIR, that both the defacto complainant and the petitioner were summoned to appear before them for enquiry and both of them appeared, that the defacto complainant has produced a copy of the assurance letter of the petitioner dated 25.08.2020, in which, the petitioner had accepted a sum of Rs.22,85,262/- is due to the defacto complainant and that the petitioner has also assured



that he would pay a sum of Rs.12,00,000/- on or before 25.09.2020 and to pay the balance amount of Rs.10,85,262/- before November 2020, but did not keep his promise.

10.In the said report, it has also been stated that the petitioner/accused in his statement had rebutted the version of the defacto complainant and further stated that his mother Packiam has joined BMF as member and deposited money, that she has also joined many more members in the institution, that the defacto complainant and her colleagues also joined in BMF at the instance of his mother and paid a sum of Rs.7,50,000/-, that the BMF institution was closed in August 2021, that the petitioner has added that the defacto complainant has accrued the interest for Rs.7,50,000/- and demanding Rs.33,00,000/- and that he is ready to pay the principle amount of Rs.7,50,000/-.

11.Considering the above facts and circumstances and also the seriousness and gravity of the offence alleged against the petitioner and taking note of the quantum of amount involved and also the fact that investigation is pending as stated by the learned Government Advocate (Criminal Side), this Court is not inclined to grant anticipatory bail to the petitioner.

12.In the result, this Criminal Original Petition is dismissed.

sd/-
28/04/2022

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/ /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 INSPECTOR OF POLICE,
CCB CRIME BRANCH, TIRUNELVELI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

**ORDER
IN**

CRL OP(MD) No.14130 of 2021
Date :28/04/2022

SA/PN/SAR.4/09.05.2022/3P/3C

<https://hcservices.ecourts.gov.in/hcservices/>