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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 06/12/2022

PRESENT

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

Cr1.OP(MD)Nos.17233, 19782 and 19785 of 2022

(1)Cr1.OP(MD)No.17233 of 2022:-

T.Surrender : Petitioner/A5

Vs.

State through
The Inspector of Police,
City Crime Branch,
Trichy.

(In Crime No.24 of 2022) : Respondent/Complainant

For Petitioner : Mr.D.Malaichamy

For Respondent : Mr.SS.Madhavan
Government Advocate
(Criminal side)

For Intervener/ : Mr.Neethimohan
De-facto complainant

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

PRAYER:-C-24B.For Anticipatory Bail in Crime No.24 of
2022 on the file of the Respondent Police.



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2.Cr1.OP(MD)No.19782 of 2022:-

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Manikandan

: Petitioner/A4

Vs.

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

For Petitioner : Mr.K.M.Karunakaran

For Respondent : Mr.S.S.Madhavan
Government Advocate
(Criminal side)

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

PRAYER:- C-24AB.For Anticipatory Bail in Crime No.24 of
2022 on the file of the Respondent Police.

(3).Cr1.OP(MD)No.19765 of 2022:-

Satheesh @ Satishkumar

:Petitioner/A8

Vs.

State represented by
The Inspector of Police,
City Crime Branch (CCB),
Trichy City,
Trichy District.
(in Crime No.24 of 2022)



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PRAYER:-C-24AB.For Anticipatory Bail in Crime No.24 of 2022 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order:-

The petitioner in Crl.OP(MD)No.17233 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, whereas the petitioners in Crl.OP(MD)Nos. 19782 and 19785 of 2022, who are arrayed as A4 and A8 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.

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'.



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.Heard both sides.

4.In Crl.OP(MD)No.17233 of 2022, interim bail was granted to the petitioner to settle the issue. In pursuance of the above said, this petitioner has settled the amount, which is due to be paid by him to the de-facto complainant, which is also agreed by the de-facto complainant herein. So nothing survives for further direction or consideration in this petitioner. So **Crl.OP(MD)No.17233 of 2022 is concerned, the interim bail already granted is made absolute** and accordingly, this criminal original petition is closed.



5. Cr1.OP(MD)No.19785 of 2022:- So far as this

petition is concerned, it was brought to the notice of this court that this petitioner/A8 filed Cr1.OP(MD)No. 14377 of 2022 before the coordinate Bench of this court seeking quashment of the FIR against him on the ground that the matter is going to be settled. On that ground, interim stay was granted and the above said matter is posted before the concerned court for reporting compliance or reporting compromise, as the case may be. But the de-facto complainant has stated that even as per the statement made by the petitioner, Rs.25,00,000/- is liable and out of the above said amount, he has paid Rs. 13,00,000/-. The de-facto complainant has also filed the affidavit with regard to the amount that was received by him, wherein, he has stated that from A9, he has received Rs.17,00,000/-, on 03/08/2022 and from A8, Satheesh @ Satishkumar received Rs.13,00,000/-, on 08/10/2022. So far as Surender is concerned, he received Rs.15,00,000/-, on 16/08/2022. It is also submitted that the rest of the amount is either in the hands of A1 or in the hands of the parents of the Surendar.



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6.The learned Additional Public Prosecutor would submit that let a direction may be issued to appear the the accused and produce all the accounts, statement, so that the correct and exact amount involved, received by the de-facto complainant and the amount to be recovered can be found out.

7.It is also submitted by the learned Additional Public Prosecutor that major portion of the amount has been settled. But the de-facto complainant says that only Rs.45,00,000/- has been received and rest of the amount has not been received. The total amount is Rs.1,52,46,000/-. So according him, the rest of the amount still in the hands of the accused person. This submission is also placed on record. As mentioned earlier, it is a matter for consideration by the Investigation Officer.

8.Whether this petitioner is liable to pay Rs.25,00,000/- or Rs.13,00,000/- is a matter for consideration by the concerned coordinate bench of this court. So, it may not be proper on the part of this court to make any observation on that issue. Since already stay



has been granted against this petitioner over the investigation, now the matter has become unnecessary now. Depending upon the out come of the settlement and result of the above said petition, he can work out his remedy through appropriate proceedings. With the above said liberty, **Cr1.OP(MD)No.19755 of 2022 stands disposed of.**

9.**Cr1.OP(MD)No.19782 of 2022:-** This petition is concerned, he has stated that Rs.40,00,000/- has been received by transfer from A1 and in turn that was also re-transferred to him. In a cycle manner, the above said amount has been transferred between the accused. For the purpose of showing the re-transfer of the amount, he has also produced the statement of the accounts. This re-transfer shows that this petitioner is also involved in the above said illegal transfer of money.

10.Whether this petitioner assisted in the illegal activity is a matter for consideration by the Investigating Officer. So Interim anticipatory bail is granted to the petitioner/A4 namely Manikandan with condition that he must appear before the respondent police and produce all the accounts, statement. If during



the course of investigation, if the respondent police finds that the custodial interrogation of the petitioner is required for earthing out the truth, the respondent may approach the concerned court for appropriate orders. With the above said liberty, **interim anticipatory bail is granted to the petitioner in Cr1.OP(MD)No.19782 of 2022.**

11.With the above said observations, all the petitions are disposed of.

(G I J)
06.12.2022

Index:Yes/No
Internet:Yes/No

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