



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated: 04/08/2022

PRESENT

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

WEB COPY

Crl.OP (MD) Nos.19830 and 19907 of 2021

(1)Crl.OP (MD) No.19830 of 2021:-

D.Balamurugan : Petitioner/Accused No.2

Vs.

State represented by
The Inspector of Police,
District Crime Branch,
Madurai District.
(In Crime No.30 of 2021)

: Respondent/Complainant

For Petitioner : Mr.P.Balamurugan, Advocate

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor(Crl.side)

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

PRAYER:-

For Anticipatory Bail in Crime No.30 of 2021 on the file of the
Respondent Police.

(2)Crl.OP (MD) No.19907 of 2021:-

Satheeswaran : Petitioner/Accused No.3

Vs.

State represented by
The Inspector of Police,
District Crime Branch,
Madurai District.
(In Crime No.30 of 2021)

: Respondent/Complainant

For Petitioner : Mr.A.Uthayakumar, Advocate

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

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

PRAYER:-

For Anticipatory Bail in Crime No.30 of 2021 on the file of the
Respondent Police.



COMMON ORDER : The Court made the following order:-

The petitioners, who are arrayed as A2 and A3 apprehending arrest at the hands of the respondent police for the offences punishable under sections 406 and 420 IPC, in Crime No.30 of 2021 on the file of the respondent police, seek anticipatory bail.

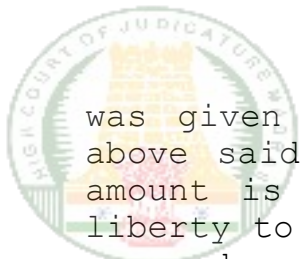
2.The case of the prosecution is that the de-facto complainant by name Ayyar lodged a complaint stating that he was introduced to one Balasubramanian and Balamurugan. They approached him offering as a partnership in a Recreation Club and he was told that amount of Rs.1,00,00,000/- may be required. They also asked him to pay a sum of Rs.20,00,000/- as share amount. So on the basis of the promise made by the above said Balasubramanian and Balamurugan, he paid Rs.13,00,000/- and the Society was formed, in which the de-facto complainant became an Executive Member. The name of the Recreation Club is called 'Bairva Sports Cultural Recreation Club'. It was registered as per the provisions of the Societies Registration Act. But later, the above said Club was sold to Muthuvel, Chinnasamy and Karuppusamy by receiving money. When that was questioned, the above said Balasubramanian promised to return his money. In spite of repeated demand, that was not paid. When that was pressurised on him, a criminal threat was made by the accused persons. Based upon the complaint, the case was registered against the accused persons.

3.Now seeking anticipatory bail, A2 and A3 have filed these petitions.

4.Both sides.

5.Finding that it is a dispute between the members of the Recreation Club, the matter was referred to Mediation, but it could not be settled, since it has been stated that A1 namely Balasubramanian received the entire amount and without his presence, the matter was not able to settled.

6.Perusal of the records shows that the de-facto complainant has given a latter to the District Registrar stating that because of his personal occupation, he is resigned his membership and he was relieved from 01/10/2021. Similarly, A3 namely Satheeswaran was given a letter stating that he also resigned on 13/10/2021. There was an agreement between the parties in favour of one Chinna Samy by the de-facto complainant and A3 to the effect that Periyakaruppan and A3 have been relieved from the partnership firm and they are retiring from the same. But whether the amount was received by them is not clear in the document. But later, on the very same day itself namely 13/10/2021, the de-facto complainant executed a document stating that they received Rs.5,00,000/-. But what happened to the balance amount is not clear on record. Similarly, A3 has also been relieved from the membership, on 05/10/2020. Even though a complaint



was given by A3, that was also withdrawn. What happened above said Balasubramanian is not clear on record. If the balance amount is not received by the de-facto complainant, he is at liberty to initiate civil proceedings. Since the petitioners, either removed or retired from the Recreation Club, then no liability can be fastened upon them regarding the balance amount. So the de-facto complainant can proceed against A1 and the present office-bearers of the Recreation Club to recover the amount.

7. So in the above facts and circumstances of this case, this court is inclined **to grant anticipatory bail** to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.1, Madurai 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 Magistrate concerned and the **petitioners shall appear before the respondent police, once in 15 days i.e., on Sunday at 10.00 a.m. until further orders.** The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. The petitioners 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/-

04/08/2022

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/08/2022

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

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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 JUDICIAL MAGISTRATE NO.1, MADURAI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
MADURAI DISTRICT.



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

CrI.OP (MD) Nos.19830 and :



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ORDER

IN

CrI.OP (MD) Nos.19830 and

19907 of 2021

Date : 04/08/2022

RK/SVR/SAR-III (08/08/2022) 4P/5C