



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 15/12/2022
PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.22179 of 2022

N.Senthil Kumar

... Petitioner/Accused No.3

Vs

The State rep.by
The Inspector of Police,
District Crime Branch,
Dindigul.
(Cr No.37/2022).

... Respondent/Complainant

For Petitioner : M/s. Shanmuganathan.VR, Advocate

For Respondent : Mr.T,Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :- For Bail in Cr No.37/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 01.12.2022, for the offence punishable under Sections 406, 420, 341, 294(b), 323, 506(i) of I.P.C and Section 4 of TNPHW Act, in Crime No. 37 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant viz., Laxmi, is that the accused persons were running Finance Firms by name "Amman Finance" and "Amman Arul Finance" and in the year 2014, the accused persons approached the defacto complainant to invest in their firm to get better returns. Believing their words, Lakshmi herself and her husband Thirumalaisamy invested an amount of Rs.10 lakhs and Rs.25 lakhs as share at Amman Arul Finance and Amman Finance respectively. Further in the year 2014, the defacto complainant's son- in-law Sakthivel obtained Rs.40 lakhs as loan from the said finance company, that the accused persons compelled to execute a mortgage deed relating to the property worth about Rs.1.5crores. Believing the words, in the year 2019, Sakthivel executed a deed in favour of them. Later, they came to know that only for the debt amount, the accused persons got the sale deed. Thereafter, when the defacto complainant approached the



accused and demanded the money invested by them, they rep. at the amount already deposited to the finance and its interest were adjusted to the loan obtained by their son-in-law Sakthivel. Further, on 10.10.2022, in the partners meeting, the complainant and her husband had participated and demanded the accused to render the accounts. For that, the accused persons replied that the complainant and her husband has to pay Rs.17 lakhs to the Firm and further, on 29.11.2022, the accused persons have threatened the complainant and her husband and also abused them with filthy language. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case, since there was a financial transaction between the parties, a false complaint has been given, as if, the petitioner induced the defacto complainant to deposit amount in the partnership firm. He would further submit that the defacto complainant and the petitioners are partners in the Firm and there was a financial dispute between them. The Income-Tax Authorities have seized the entire records, pertaining to the partnership Firm. The petitioner is in custody from 01.12.2022 and he was also taken into the police custody and also the major part of investigation is completed. The petitioner is ready to abide any stringent conditions imposed by this Court. Hence, prays to release the petitioner on bail.

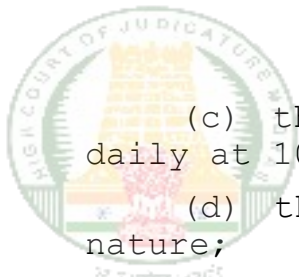
4.The learned Additional Public Prosecutor would submit that the petitioner is not having any previous case. The petitioner along with other accused persons induced the defacto complainant to invest money in their Firm and executed mortgage deed. Later, suppressing the mortgage deed, they sold the property to third parties, to the tune of Rs.1.5Crores. Hence, he strongly opposed to grant bail to the petitioner.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the facts and circumstances of the case and also considering the nature of dispute between the parties and period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner on certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 No.II, Dindigul**, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their



(c) the petitioner shall report before the responder daily at 10.30.a.m. Until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

15/12/2022

/ TRUE COPY /

15/12/2022

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

TO

1 THE JUDICIAL MAGISTRATE NO.II, DINDIGUL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE,
DINDIGUL CRIME BRANCH, DINDIGUL.

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

+1. CC to M/S. SHANMUGANATHAN.VR Advocate SR.No.14892

ORDER IN

CRL OP(MD) No.22179 of 2022

Date :15/12/2022

PNM

SA/SSS/SAR.2/15.12.2022/3P/7C