



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/12/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.22934 of 2022

Rasiyappan

... Petitioner/Accused -2

Vs

The State Rep.by
The Sub Inspector of Police,
District Crime Branch Police Station,
Dindigul District
(Crime No.37 of 2022)

... Respondent/Complainant

For Petitioner : Ms.Shanmuganathan.Vr,
Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

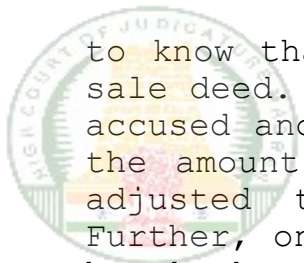
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory Bail in Crime No.37 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 341, 294(b), 323 and 506(1) IPC and Section 4 of Tamil Nadu (Prohibition of Harassment of Women) Act in Crime No.37 of 2022 on the file of the respondent police, seeks anticipatory 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 de-facto complainant and induced him 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 executed the sale deed. Thereafter, when the de-facto complainant approached the accused and demanded the money invested by them, they replied that 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. He would further submit that the petitioner is arrayed as A2 in this case, since there was a financial transaction between the parties, a false complaint has been given, as if, the petitioner along with other accused induced the de-facto complainant to deposit amount in the partnership firm. He would further submit that the petitioner and the de-facto complainant are shareholders 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. He would further submit that A3 was already arrested and released on bail by this Court in CrI.O.P.(MD)No.22179 of 2022, dated 15.12.2022. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (CrI. side) 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 anticipatory bail to the petitioner.

5.Heard. Perused the materials available on record including the FIR.

6.Taking into consideration the facts and the submissions made by both the counsels and the co-accused was already released on bail by this Court in CrI.O.P.(MD)No.22179 of 2022, dated 15.12.2022, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.2, Dindigul, on condition that the petitioner shall execute 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 on further condition that:

<https://www.mhc.tn.gov.in/judis>



[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond. The Magistrate may obtain a copy of their Aadhar card or Bank pass book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

23/12/2022

/ TRUE COPY /

/01/2023

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

TO

1 THE JUDICIAL MAGISTRATE NO.2,
DINDIGUL.

2 -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.

3 THE SUB INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
DINDIGUL DISTRICT.

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

+1 CC to M/s.VR.SHANMUGANATHAN, Advocate (SR-15554[I] dated
23/12/2022)

ORDER

IN

CRL OP(MD) No.22934 of 2022

Date :23/12/2022

SJI

MK/MMS/SAR III/04.01.2023/3P/6C