



Crl.O.P.No.15410 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner, Shanmuganathan, who apprehends arrest for the alleged offence under Sections 406, 420 & 506 (1) IPC, in Crime No.557 of 2023, on the file of the respondent police seeks anticipatory bail.

2.The learned counsel for the petitioner submitted that petitioner is no way involved in the offence alleged against him in the FIR. In fact, he filed a suit against A2, A3, A4 and defacto complainant in O.S.No.30 of 2023, on the file of the Sub Court, Sivagangai, for recovery of money on the basis of the cheques given by the first defendant, who is the defacto complainant in this case. Apprehending arrest, this petition is filed.

3.In response, the learned Government Advocate (Crl.Side) submitted that allegations against the accused in this case are that, defacto complainant knew the first accused, Kousalya Devi, who is working in IDBI Bank. When the defacto complainant asked her for a loan of Rs.5,00,00,000/-, she introduced the other accused stating that



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they would help in getting the loan. On 16.03.2023, there was a meeting in the house of the defacto complainant with the accused Manikandan and Balamurugan. They wanted Rs.10,00,000/- for registering the documents and Rs.5,00,000/- as brokerage commission. Accordingly, defacto complainant sent Rs.50,000/- to Balamurugan to his bank account on 04.04.2023. Thereafter, on 05.04.2023, he went to Trichy along with his friend Sogarampatel and met Kousalya devi, Manikandan, Balamurugan, Rajkumar and Shanmuganathan at Trichy. They claimed Rs.14,50,000/- and showed him a Demand Draft for Rs.5,00,00,000/-and stated that if he pays Rs.14,50,000/-, the loan will be disbursed. Therefore, the defacto complainant paid a sum of Rs.4,50,000/- in cash and Rs.10,00,000/- through bank transaction to Shanmuganathan in the presence of the other accused, Kousalya Devi, Manikandan and Balamurugan. He also gave cheques bearing numbers from 451961 to 451973 drawn on Axis Bank, Tiruppur branch. On reaching the SRO office, he came to know that the loan document was prepared for Rs.10,00,000/-. When he questioned about this, they told that it is only a typing mistake and it will be corrected and the registration was



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postponed to 06.04.2023. However, that was not done. Thus, it is claimed that the accused had cheated the defacto complainant. Investigation in this case is pending.

4.FIR allegations clearly states that petitioner had paid Rs.4,50,000/- in cash and Rs.10,00,000/- through bank transaction through A5 Shanmuganathan. Therefore, it is too early to claim that petitioner has no role in the alleged cheating. Investigation in this case is at preliminary stage. Merely because the petitioner filed a civil suit, that will not be a ground for considering anticipatory bail.

5.In the light of the specific allegations made against the petitioner in the FIR, this criminal original petition is dismissed.

14.07.2023

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