



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Twenty Sixth day of June Two Thousand and Twenty Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL MP(MD) No.8946 of 2023

IN

CRL OP(MD) No.7144 of 2023

CHANDRASEKHAR T ... PETITIONER/3rd PARTY/DEFACTO COMPLAINANT

Vs

1 RAVI NARAYANAN ... 1st RESPONDENT/PETITIONER/2nd ACCUSED

2 THE STATE REPRESENTED BY
INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
MADURAI

... 2nd RESPONDENT/RESPONDENT/COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to CANCEL THE ANTICIPATORY BAIL granted to the 1st Respondent herein by this Honble Court in CRL.OP(MD)No.7144 of 2023 by an order dated 18.4.2023 in the case in connection with Crime No.11 of 2023 now pending investigation on the file of the 2nd Respondent on such terms and conditions as this Hon`ble Court may deem fit and proper in the facts and circumstances of the case.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.HARIHARAN J, Advocate for the petitioner and of Mr.B.SARAVANAN, Standing Counsel for Mr.D.KIRUBAKARAN, Advocate for the 1st respondent and Mr.B.THANGA ARAVINDH, Government Advocate (Crl.side) on behalf of the 2nd Respondent, and the Court made the following order:-

This Criminal Miscellaneous Petition has been filed to cancel the anticipatory bail granted to the first respondent herein by this Court in Crl.O.P.(MD)No.7144 of 2023 by an order dated 18.04.2023.

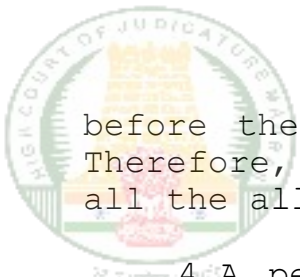
2.The learned counsel for the petitioner would submit that the petitioner lodged a complaint alleging that the first accused was acquainted with the petitioner through his brother-in-law and the petitioner was in the idea to settle in India by doing some business. The first accused was a dealer under Bharat Petroleum Corporation Limited in the name and style of M/s Asa Jothy Agencies



and running a petrol pump outlet at Thanichiyam. It was mutually agreed that the investments must be made by the petitioner and the profits will be equally shared among the petitioner and the first accused. Accordingly, a business partnership agreement was entered between the parties and the petitioner started investing funds through online modes over a varied period starting from December 2018. The total amounts invested by the petitioner comes to the tune of Rs.1,01,54,640/-. On 29.11.2019, as per the rules of BPCL, a dealership reconstitution agreement was entered between the petitioner, both the accused in the presence of officers of BPCL, wherein, it was agreed that the petitioner will be inducted as a partner and the first respondent herein will be outgoing. On the belief that the application is submitted before BPCL, the petitioner was further investing amounts in the business. The further case of the prosecution is that both the accused without knowledge of the petitioner, with an intent to cheat the petitioner, gave a letter to BPCL to withdraw the said application for reconstitution and thereby, restored the dealership to the previous set up, ie. both the accused alone to remain as partners. The petitioner was given no update regarding the dealership reconstitution application and hence, approached this Court by way of a writ petition, wherein, he was informed about the rejection. The said acts of receiving the funds from the petitioner with an intention to induct him as a partner and withdrawing the same without the knowledge of the petitioner and even continuing to receive the funds from the petitioner is a clear act of cheating.

3.The learned counsel for the petitioner would further submit that admittedly, the first respondent and the first accused are the partners of M/s Asa Jothy Agencies. Though the agreement was entered between the petitioner and the first accused in order to induct the petitioner as a partner in M/s Asa Jothy Agencies and agreed to share the profits, the first respondent is also one of the partner and he is sharing the profit, which was invested by the petitioner herein. Therefore, the first accused was granted anticipatory bail by this Court on condition to deposit a sum of Rs.35,00,000/- in favour of the de-facto complainant and as such on the part of the first respondent also, he has to deposit some amount.

3.The learned Senior Counsel for the first respondent would submit that it is true that the first respondent is also one of the partner of M/s Asa Jothy Agencies. The first respondent executed deed of retirement from the partnership dated 30.11.2019 on condition that what are the amount invested by him to be returned by the first accused. The arrangement was made that after out going partner, the petitioner herein to be inducted as a partner. On the said agreement, the first respondent had executed a retirement deed and however, he was not paid with any money and as such, it was not acted upon. Therefore, the entire money dealing was between the petitioner and the first accused and he is nothing to do with the money invested by the petitioner herein. That is the reason why both the accused 1 and 2 had withdrawn the reconsideration deed presented



before the BPCL to induct the petitioner as one of the partners. Therefore, this Court has rightly granted anticipatory bail since all the allegations levelled by the petitioner are civil in nature.

4.A perusal of records also revealed the same that the first respondent had executed a retirement deed along with the first accused on 30.11.2019 and thereafter, it was not acted upon. It is also evident from the withdrawal of the reconsideration, which was applied before the BPCL. However, it is under challenge in the writ petition and the same is also pending. Therefore, this Court has rightly granted anticipatory bail to the first respondent.

5.In view of the above, this Court finds no reasonable grounds to cancel the anticipatory bail granted to the first respondent. Hence, this petition stands dismissed.

sd/-

26/06/2023

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/07/2023

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

sjj

TO

1 THE JUDICIAL MAGISTRATE NO.I,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, MADURAI

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

+1 CC to M/s.N.BALASUBRAMANIAN, Advocate (SR-9626[I] dated
27/06/2023)

ORDER

IN

CRL MP (MD) No.8946 of 2023

IN

CRL OP (MD) No.7144 of 2023

Date :26/06/2023

SS/06/07/2023/3P/6C