



Crl.OP(MD)No.12554 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date of Reserved : 26/09/2023

Date of Pronounced : 06/10/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)No.12554 of 2023

V.Muruganantham

... Petitioner/ Accused

Vs.

State rep. by

The Inspector of Police,

Keeramangalam Police Station,

Pudukkottai District.

... Respondent/ Complainant

Shakul Hameed

... Intervening Petitioner/ Defacto Complainant

IN CRL MP(MD).10065/2023 IN CRL OP(MD).12554/2023

For Petitioner : Mr.R.Sevugaraja, Advocate

For Respondent : Mr.S.Manikandan

Government Advocate (Criminal side)

For Intervenor : Mr.B.Jameel Arasu, Advocate

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

PRAYER:- For Anticipatory Bail in Crime No.93 of 2023 on the file of the Respondent Police.

ORDER: The Court made the following order:-

The petitioner, who is arrayed as Sole Accused apprehends arrest at the hands of the respondent police for the offences punishable under sections 406, 420 and 507 IPC, in Crime No.93 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution in brief:-

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



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The de-facto complainant lodged a complaint stating that in 2017, the accused person received Rs.60,00,000/- in two installments under the guise of starting a business, later refused to return the money. Finally, on 07/12/2022 at about 09.00 am, the accused contacted through mobile phone, abused and criminally intimidated. On the basis of the complaint given by the de-facto complainant, a case in Crime No.93 of 2023 was registered for the offences stated above.

3. Seeking anticipatory bail, this petition has been filed by the petitioner stating that absolutely, there was no transaction between him and the de-facto complainant; there was no documentary and other evidence to show the transactions between them.

4. Heard both sides.

5. The entire CD file has been called for and perused.

6. On perusal of the CD file shows that the accused started a business in name of the wife of the de-facto complainant.

7. A detailed questionnaire was also issued during the course of the enquiry to the petitioner. During the course of the above said enquiry, the petitioner admitted that he is a Government Servant, so he started the business in the name of his wife and relatives and supplying the materials to the Municipal Corporation. In pursuance of the above said agreement, the Company was started in the name of the



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Agencies'.

de-facto complainant's wife. The above said Company name is called as 'Sabari Agencies'.

8.It is stated by the complainant that he invested Rs.60,00,000/-. But the above said deposit is denied by this petitioner. It is seen that some vigilance enquiry was conducted against this petitioner. It is also seen that no partnership agreement entered into between the parties.

9.Reading of the above said questionnaire and answer given by both parties shows that there was some sort of transaction between the petitioner and the de-facto complainant. What was the transaction between the parties requires to be thoroughly investigated, for which the petitioner must cooperate with the respondent police.

10.But however, considering the fact that it is a business transaction between the parties, whether any element of cheating can be brought out only during the course of investigation. Since the investigation is in the initial stage and the petitioner is not coming to the court with clean hands, he is entitled for any discretionary relief.

11.In the result, this criminal original petition is dismissed.

sd/-
06/10/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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To

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1 THE INSPECTOR OF POLICE,
KEERAMANGALAM POLICE STATION, PUDUKOTTAI DISTRICT.

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

ORDER
IN

CRL OP(MD) No.12554 of 2023
Date :06/10/2023

RS/VRS/SAR-(16.10.2023) 4P 3C
Madurai Bench of Madras High Court is issuing
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