



Crl.OP(MD)No.12799 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 19/07/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)No.12799 of 2023

Vimal Chand

... Petitioner/1st Accused

Vs.

The State rep. by
The Inspector of Police,
DCB, Ramanathapuram,
(Crime No.12 of 2023)

... Respondent/Complainant

For Petitioner : Mr.C.ARUL VADIVEL @ SEKAR
Senior Counsel
for Mr.R.PON.KARTHIKEYAN, Advocate

For Respondent : Mr.B.NAMBISELVAN
Additional Public Prosecutor

For Intervenor : Mr.C.MUTHUSARAVANAN, Advocate

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

PRAYER:- For Bail in Crime No.12 of 2023 on the file of the respondent police.

ORDER: The Court made the following order:-

The petitioner/A1, who was arrested and remanded to judicial custody, on
24/06/2022 for the offences punishable under sections 406, 420, 120(b) IPC, in Crime



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No.12 of 2023 on the file of the respondent police, seeks bail.

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2.The case of the prosecution, as found in the FIR is that the de-facto complainant is working in a private Engineering College as Principal. One Dr.Mayilvahanan became his friend. On 28/08/2021, he told him that a suitable person is searched for the post of Vice Chancellor in Pondicherry Information Technology University. He introduced other two persons namely Ramesh Prabha and Thanga Pandian. They asked him to gave Rs.1.50 crores as share amount. It was reduced to Rs.95,00,000/-. The money was transferred on various dates in the account of Ravirajan and Vimal Chand through Banking transaction. So, totally Rs.95,00,000/- was transferred. When he contacted the above said Mayilvahanan and others, there was no response. Losing faith, he demanded money back. Vimal Chand returned Rs.27.50 lakhs. They also issued cheque knowing fully well that they are having no money in their account.

3.This petitioner was arrested and remanded to judicial custody, on 24/06/2023.

4.Seeking bail, this petition is filed. Intervenor, who is the de-facto complainant has come on record. He was also heard.

5.It is unfortunate to note that the de-facto complainant holding responsible post in the society, having contact with the above said accused, became a victim. The



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crime alleged to have been committed by the accused is promising to secure the Voice Chancellor position in an University.

6.When the matter was argued before me, I sought response from the de-facto complainant counsel as to how he is involved in the above issue. But no proper reason could be given, except expressing anguish over the said issue. No purpose is going to be served in making any further observation in this regard by this court.

7.Suffice to say that nothing was well not only with the accused, but also with the de-facto complainant.

8.The learned Senior counsel appearing for the petitioner would submit that even as per the allegation that has been made in FIR, his involvement is not directly stated; No amount was also transferred to his account; Only bald allegation has been made to the effect that when the de-facto complainant enquired Dr.Mayilvahanan, Ramesh Prabha, Ravirajan, Thanga Pandian and Vimal Chand, they told that the responsible persons are Thanga Pandian, Ravirajan and Vimal Chand. This petitioner also returned Rs.27,50,000/-. According to him, the money, which was transferred to his account of Rs.22,00,000/- was returned by him, with extra money. Balance amount was received only by the co-accused. So, according to him, this petitioner is not involved in the above said transaction and the above said amount was transferred to his account over the real estate business transaction.



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9. Per contra, the learned counsel appearing for the de-facto complainant and the learned Additional Public Prosecutor would submit that the entire money was transferred through banking transaction and taking advantage of their position, now they have cheated. So according to them, they are liable to return the money that was received by them. Apart from that, he has also submitted that the petitioner is also a habitual offender of such nature of offence. To show the same, the de-facto complainant also filed the copy of the FIR in Crime No.95 of 2023, which was registered against Thangapandian, Ravirajan, Vimal Chand and Kathirmani Palaniappan, on 25/04/2023. Similarly, the de-facto complainant in that matter was promised Voice-Chancellor post in Alagappa University, this petitioner along with others received Rs.16,00,000/- and thereby cheated. Apart from that, it is also submitted by the learned Additional Public Prosecutor that similar complaints have been given against this petitioner in more than one districts.

10. The entire CD file has been called for and also perused, which shows the habitual nature of the petitioner in cheating several persons promising to get similar positions in the University. Such a person is not entitled for any relief at this stage. The money has not been fully recovered. The investigation must be taken to its logical end to find out the number of victims and also the money involved. Since it is a large scale scam, if the petitioner is released on bail, there is every likelihood of



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hampering the investigation process and also absconding. Since, it is admitted by him that because of the pressure made by the de-facto complainant demanding money back, he went hiding; On the advise of his father, he returned to Chennai and at that time, he was arrested. This shows that if released on bail, he may abscond. So this is not a fittest case to enlarge the petitioner on bail.

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

12.After passing the order, the learned counsel appearing for the petitioner would submit that the petitioner is ready to settle the issue, so the matter may be referred to the Mediation Centre. But this sort of offence cannot be referred. The request made by the petitioner to refer the matter to the mediation centre is also rejected.

sd/-
19/07/2023

/ TRUE COPY /

/07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ER
TO
1 THE OFFICER INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM.

2 THE INSPECTOR OF POLICE,
DCB, RAMANATHAPURAM,



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

+1. CC to M/S.PON KARTHIKEYAN R Advocate SR.No.10946

+1. CC to M/S.C.MUTHU SARAVANAN, Advocate SR.No.10974

ORDER
IN
CRL OP(MD) No.12799 of 2023
Date :19/07/2023

SA/MR/SAR. /27.07.2023/6P/6C
Madurai Bench of Madras High Court is issuing
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