



Crl.O.P.(MD).No.14095 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN
CRL OP(MD). Nos.14095 & 14104 of 2023

Venkatesan,

... Petitioner/ Accused No.2
in Crl.O.P.(MD).No.14095 of 2023

Chandra Raja

... Petitioner/ Accused No.3
in Crl.O.P.(MD).No.14104 of 2023

Vs

State Rep.by
The Inspector of Police,
District Crime Branch,
Virudhunagar,
Virudhunagar District.
(Crime No.11 of 2023).

... Respondent/Complainant
in Both the cases.

For Petitioner : M/s.Prakash.Y, Advocate
in Crl.O.P.(MD).No.14095 of 2023.
For Petitioner : M/s. C.Meenakshi Ramaprabu, Advocate
in Crl.O.P.(MD).No.14104 of 2023.
For Respondent : Mr.B.Nambiselvan, Additional Public Prosecutor
(In both petitions)
For Intervenor : Mr.P.Athimoolapandian, Advocate
(In both petitions)

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

COMMON PRAYER :-

For Anticipatory Bail in Crime no.11 of 2023 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

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The petitioners/Accused No.2 & 3, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 120(b), 406, 420, 465, 468 and 471 of IPC, in Crime No.11 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant's version is that she received legal notice from Suresh Kumar stating that from 2016 to 2022, she received loan amount from one P.Suresh Kumar valued about Rs.80,00,000/- and towards the discharge of the above said loan amount, she issued a cheque dated 02.06.2023 on 28.05.2023, drawn on State Bank of India, Rajapalayam in cheque No.048126, that was presented for payment on 02.06.2023. It was dis-honoured. Similarly, one Venkatesh has also sent an Advocate notice, stating that he and the defacto complainant's brother namely K.D.Shyam Sundar were friends. On the basis of the above said friendship, the defacto complainant received a sum of Rs.30,00,000/- as loan from the Venkatesh in 2020. When that money was demanded back on 23.05.2023, she issued cheque bearing No.048125 for Rs.30,00,000/-, that was also presented for payment, dis-honoured. Again at his request, it was presented for payment, again dis-honoured. On noticing the contents of the above said notices, it came to her notice that all those things are false in nature. His brother did not have any transaction with the Venkatesh. But they were doing joint business. In 2016, there



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was difference of opinion between them. One Chandra Raja was conducting the finance company called Ayothiram Finance. The defacto complainant was the Subscriber. At the time of receiving the prize amount she handed over signed cheques in favour of the above said company. That has been misused by the above said Venkatesh. It also came to notice that the above said Chandra Kumar used the cheques handed over by his clients and foisting false cases.

3.With this complaint, case was registered. Seeking anticipatory bail, these two petitions have been filed by the second accused Venkatesan and third accused namely Chandra Raja.

4.Intervenor has also came on record and heard.

5.The learned counsel for the petitioner in both the cases would submit that based upon the above said dis-honoured cheques they have filed S.T.C.No.437 of 2023, against the defacto complainant before the learned Judicial Magistrate, Rajapalayam. According to him, in the light of the above said filing of the private complaint against the defacto complainant for having committed offence punishable under Section 138 of the NI Act, the present complaint in Crime No.11 of 2023 has been lodged by her. According to them, this is the defence, which has to be taken by the defacto complainant before the trial Court.

6.Per contra, the counsel for the defacto complainant will straight away draw



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the attention of this Court to the endorsement note made by the third accused office, where we find that on 14.02.2022, two cheques bearing No.048125 and 048126 drawn on State Bank of India, Rajapalayam was issued by her in favour of Ayothi Ram Finance. According to him, the cheque numbers tallies with that of the cheque number mentioned in the private complaint. According to him, the above said cheque that was issued in favour of the third accused has been handed over to the first and second accused and foisted the above said false cases.

7.The learned counsel for the petitioner would submit that they have to verify the signature found the above said document. When such serious allegation has been made, I am of the considered view that the petitioners are not entitled for any anticipatory bail at this stage. Seriousness of the offence dis-entitles them to claim the discretionary relief. Misusing the documents and initiating proceedings on the basis of the false documents cannot be taken lightly, but viewed very seriously. On that ground this Court is not inclined to grant anticipatory bail to the petitioners.

8.Accordingly, these petitions are dismissed.

sd/-
16/08/2023
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/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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1 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.

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

ORDER
IN
CRL OP(MD). Nos.14095 & 14104 of 2023
Date :16/08/2023

RS/BUC/SAR-(22.08.2023) 5P 3C
Madurai Bench of Madras High Court is issuing
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