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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 14/08/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)No.14351 of 2023

Chandirasekaran

: Petitioner/ A1

Vs.

State rep. by
The Inspector of Police,
District Crime Branch,
Tuticorin District.
(In Crime No.26 of 2023)

: Respondent/Complainant

Vivek Surana

...Intervening Petitioner/De facto complainant
in Crl.M.P.(MD) No. 11683 of 2023

For Petitioner : Mr.C.Mayil Vahana Rajendran,
Advocate

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

For Intervenor : Mr.B.Jameel Arasu, Advocate

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

PRAYER:-For Bail in Crime No.26 of 2023 on the file of the respondent.



ORDER: The Court made the following order:-

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The petitioner, who is arrayed as A1 was arrested and remanded to judicial custody, on 23/06/2023 for the offences punishable under sections 406, 420, 465, 468, 471, 472 and 120(B) IPC, in Crime No.26 of 2023 on the file of the respondent seeks bail.

2.The case of the prosecution is that the de-facto complainant lodged a complaint stating that he is doing private finance business through Banking transactions. The first accused is also involving in transport business as well as doing commission agent business. In 2008, he approached him for rendering financial assistance. Initially, he paid Rs.1,00,000/ to him, for which, the first accused promised to pay 1.5% interest. The above said relationship continued and the first accused used to collect money from the customers and used to pay the same to the de-facto complainant. He was earning more than 4% interest. Later, started a separate business called 'Ravi Kumar Auto Consulting and Finance. During the course of the above said business transactions, the first accused was keeping the RC books in his custody. After completing the payment of installments, used to receive 'NOC' from him. But for the past six months, the above said first accused did not pay the collected money. Out of 73 lorries financed by him, it was informed to him that 20 lorry owners are not paying the installments. Doubting the conduct of the first accused, he visited

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



the RTO office, on 12/04/2023 and made enquiry. At that time, it was revealed that the first accused forged the 'NOC' forms as if it was signed by him. When the account was verified, it reveals that Rs.45,31,700/- was due. Making allegation against the above said A1-Chandrasekaran and his son namely the second accused, he lodged a complaint. Upon which, a case was registered in Crime No.26 of 2023 as stated above.

3. Seeking bail, this petition has been filed by the petitioner, who is arrayed as A1.

4. The learned counsel appearing for the petitioner would submit that this petitioner was working as Commission Agent for the private finance business run by the de-facto complainant. He has also paid the amount that was collected regularly and as on date, he is in possession of Rs.3,37,500/- and he is also ready to deposit the above said amount.

5. Per contra, the learned counsel appearing for the intervenor/de-facto complainant would submit that the petitioner was acting as Commission Agent and used to collect money from the customers in installment basis, pay the same to the de-facto complainant. But he failed to pay the installments collected from the customers. Now, according to him, the above said amount is due.



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6.Perusal of the CD file also shows that huge amount has been received from the customers and from the de-facto complainant for doing Auto Finance business.

7.In the complaint, it has been stated that after receiving the finance from the de-fact complainant, the petitioner used to lend the same to the customers for higher interest. By that way, he was earning profit. But what sort of business understanding between the parties is not clear on record. It is a matter for consideration by the Investigating Officer.

8.But serious allegation has been made to the effect that this petitioner along with his son, forged the NOC Forms as if it was signed by the de-facto complainant and presented the same for transfer of names in the RC books. So when serious allegation has been made against the petitioner with regard to forging of the documents, apart from that, huge amount is also involved, it requires thorough investigation. Even though, the petitioner is in custody, if he is released on bail, he may hamper the investigation process and tamper the evidence.



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9. So, this is too a premature stage to enlarge the petitioner on bail. Accordingly, this criminal original petition is liable to be dismissed.

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

sd/-
14/08/2023

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/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.

2 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
TUTICORIN DISTRICT.

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

ORDER
IN
CRL OP(MD) No.14351 of 2023
Date :14/08/2023

SSA/VRS/08.09.2023/5P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023