



CRL OP(MD). No.14392 of 2023

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

Date : 08/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN
CRL OP(MD). No.14392 of 2023

R.Krisnamoorthy

... Petitioner / Sole Accused

Vs

The State rep by
The Inspector of Police,
District Crime Branch,
Theni District.
(In Crime No.13 of 2023).

... Respondent / Complainant

For Petitioner : M/s.Anand Kumar.M.G, Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

For Intervener : Mr.E.Jeyakumar, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime no.13 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole accused who apprehends arrest at the hands of the respondent police for the offences punishable under sections 406, 420 of I.P.C. and Section 5 of Tamil Nadu Protection of Interest of Depositors Act, 1997, in Crime No.13 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that believing



CRL OP(MD). No.14392 of 2023

the words of the petitioner, he deposited sum of Rs.1,06,500/- in three small savings account. Thereafter, since he is unable to continue the same, requested repayment of the same from the petitioner. Therefore, he went to the office of the petitioner. At that time, he came to know there about 22 persons have been cheated by the petitioner. Hence, the complaint.

3. Mr.V.Jeyakumar, learned counsel proposed to file intervening petition on behalf of the defacto complainant.

4. The learned counsel for the petitioner would submit that because of the financial crisis, the petitioner could not settle the amount deposited by the defacto complainant. He is ready to pay the amount of Rs.1,06,500/- to the defacto complainant in equal installments, which was deposited by him.

5. The learned counsel for the defacto complainant would submit that about 22 victims have been cheated by the petitioner. The total amount involved is Rs.17,36,500/-.

6. The learned Additional Public Prosecutor would submit that out of the above said 22 victims, 12 victims have been examined by the respondent police so far. Other victims are going to be examined. He would further submit that while moving anticipatory bail application before the learned Principal District Judge, Theni, the matter was referred to the Mediation Centre, where, the petitioner



CRL OP(MD). No.14392 of 2023

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undertook to settle the entire issue. In paragraph No.4 of the order of the learned Principal District Judge, the submission of the learned Additional Public Prosecutor was also recorded. But, after hearing the learned Additional Public Prosecutor, the above said petition was about to be dismissed. But, however, suggestion was made by this petitioner to refer the matter for settlement. According to him, it was referred to the Mediation Centre on 07.07.2023. At that time, it was reported that no settlement was arrived between the parties. On that ground it was dismissed.

7. The learned counsel for the petitioner would submit that the above said submission was made by the counsel appeared before the trial Court. Change of counsel cannot be the reason for entertaining the petition. The petitioner must stick on the stand taken by him before the learned Principal District Judge. Otherwise, it cannot be entertained.

8. I find no reason to entertain this petition, in view of the attitude of the petitioner. This petition deserves to be dismissed.

9. Accordingly, this criminal original petition is dismissed.

sd/-
08/08/2023

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



CRL OP(MD). No.14392 of 2023

To

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1.The Sub Inspector of Police,
District Crime Branch,
Theni District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.G.ANAND KUMAR, Advocate (SR-11958[I] dated 08/08/2023)

ORDER

IN

CRL OP(MD) No.14392 of 2023

Date :08/08/2023

ED/MMS/SAR- I (17/08/2023) 4P / 4C

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