



CRL OP(MD). No.16980 of 2023

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

Date : 27/09/2023

PRESENT

**The Hon`ble Mr.Justice G.ILANGO VAN
CRL OP(MD). No.16980 of 2023
and
Crl.M.P(MD) No.13864 of 2023**

S.Selvaganesh

... Petitioner/ Accused No.3

Vs

**The State, represented by
The Inspector of Police,
DCB Police Station,
Trichy District.
(Crime No.15 of 2023).**

... Respondent/ Complainant

M.Srinivas

**...Petitioner/ Intervener/ Defacto Complainant
in Crl MP(MD)No. 13864 of 2023**

For Petitioner

: Mr.R.Chandrasekar, Advocate.

For Respondent

: Mr.B.Nambiselvan,

Additional Public Prosecutor

For Intervenor

**: Mr.M.Karthikeya Venkitachalapathy , Advocate
in Crl MP(MD)No. 13864 of 2023**

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

PRAYER :-

For Anticipatory Bail in Crime No.15 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused No.3, apprehending arrest at the hands of the
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respondent police for the alleged offence punishable under Sections 406, 420, 294(b), 506(i) and 120(b) of I.P.C, in Crime No.15 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution:

The defacto complainant is working as Managing Director in M/s.REmon Solutions Private Limited, they are engaged in purchasing, selling as well as installing the solar panels. The accused Nos.1 to 3 approached them stating that they are having sufficient stock in the manual Warehouse. The first accused is the owner of the company called Onyx Siri Technologies. The second accused is the husband and third accused is the representative of the above said company. On seeing the above said stock, agreement was reached between them, by which, the amount was transferred upto Rs.9,68,56,300.80/- through Banking transaction. But later refused to deliver the stock. On that basis, the above said complaint has been given against the petitioner and others.

3. Seeking anticipatory bail, this petition has been filed by the petitioner stating that he was acting as mediator only. It was the transaction between the first and second accused with the defacto complainant, in which, there was no direct involvement of this petitioner. He received only Rs.10,000/- as broker charge.

4. Per contra, the learned Additional Public Prosecutor would submit that the

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petitioner is the sales representative of the first accused's company. Only on his representation, the above said contract was reached. He is also responsible for the above said misrepresentation.

5. The learned counsel for the defacto complainant would submit that the accused person told that the stock kept in the warehouse will be sold to the defacto complainant on payment of money. Money was also transferred as stated above. But later, it was found that the stock was already sold to some other agency. Supressing the above said fact, all the accused colluded together with Warehousing management, cheated the defacto complainant.

6. During the couse of enquiry, it was found that Rs.38,00,000/- was received by the defacto complainant and remaining amount was not. The accused Nos.1 to 3 were arrested and later released on bail. But so far, money has not been recovered.

7. Even though it has been stated by the learned counsel for the petitioner that the petitioner acted as mediator only. it is a clear case of cheating. It appears that this petitioner also actively involved in the above said offence. So, the contention that he received Rs.10,000/- only as brokerage charge is completely false.

8. Considering the facts and circumstances of this case and also considering the manner, in which, the offence said to have taken place, this petitioner is not entitled



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for any discretionary relief. Hence, this petition deserves dismissal and accordingly dismissed. Consequently, the connected Miscellaneous Petition is allowed.

sd/-
27/09/2023

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

INDU
TO

- 1 THE INSPECTOR OF POLICE
DCB POLICE STATION, TRICHY.
 - 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.M.Karthikeya Venkitachalapathy, Advocate SR.No.14327(I)

ORDER
IN

CRL OP(MD) No.16980 of 2023
Date :27/09/2023

PKP/JGB/SAR- /11.10.2023/ 4P/ 4C
Madurai Bench of Madras High Court is issuing certified
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