



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

Date : 14.02.2023

PRESENT

The Hon`ble Mr.Justice **G. ILANGO VAN**

CRL OP(MD). No.22098 of 2022

WEB COPY

N.Balaji

... Petitioner/ Petitioner/
Accused No.1

Vs

1.State represented by
The Inspector of Police,
City Crime Branch Police Station,
Madurai City.
(Crime No.1 of 2022)

... Respondent/ Respondent/
Complainant

2.V.O.S.Sivasubramanian

...2nd Respondent

*(R2 is suo motu impleaded as per order of
this Court dated 15.12.2022 in Crl.OP(MD)
No.22098 of 2022)*

For Petitioner : Mr.J.Lawrance,
Advocate

For R1 : Mr.M.Sakthi Kumar,
Government Advocate (Crl. Side)

For R2 : Mr.T.Palanisamy,
Advocate

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

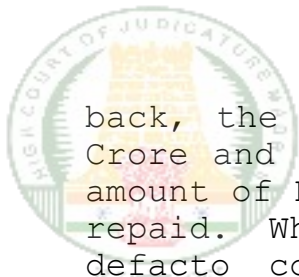
PRAYER :-

For Anticipatory Bail in Crime No.1 of 2022 on the file of the first respondent police.

ORDER : The Court made the following order :-

The petitioner/A.1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 506(1), 406 and 420 IPC, in Crime No.1 of 2022, on the file of the first respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint stating that he is a Doctor by profession. He wanted to admit his daughter in the post graduate medical course in M.D.Radiology. At that time, the accused persons approached him stating that they can arrange a seat for his daughter in Ramachandra Medical College. The accused persons received a sum of Rs.1,60,00,000/- (Rupees One Crore and Sixty Lakhs only). After that they could not procure the seat. When the money was demanded



back, the accused persons repaid only Rs.1,24,00,000/- (Rupees One Crore and Twenty Four Lakhs only) in instalments, but the remaining amount of Rs.36,00,000/- (Rupees Thirty Six Lakhs only) has not been repaid. When the accused, namely Shanthi was contacted by the defacto complainant, she told him that he should approach the accused, namely Balaji, who is the petitioner herein, stating that the entire amount was handed over to him. After that, he contacted the petitioner, who promised to return the money. But later, the petitioner gave a false complaint against the defacto complainant in Nagamalai Pudhukottai Police Station. In the enquiry, the petitioner did not appear, where as the defacto complainant attended the enquiry. The aforesaid case was registered as per the order of this Court in Crl.O.P.(MD).No.18127 of 2021.

3. Earlier seeking anticipatory bail, the petitioner has filed an application. The earlier application was dismissed by this Court on 25.07.2022, considering the seriousness of the allegation that has been made against this petitioner. Now, this is second anticipatory bail application filed by the petitioner on the ground that out of the Court, there was a compromise between the parties, by which, this petitioner agreed to pay Rs.5,00,000/- (Rupees Five Lakhs only) towards the above said issue.

4. On that ground, notice was ordered to the defacto complainant. He also appeared. But, he would submit that no such compromise was reached between the parties and the entire balance amount of Rs.20,00,000/- (Rupees Twenty Lakhs only) must be paid by the petitioner, since he only received the money on behalf of the co-accused. On that ground the CD file was required and perused. Perusal of CD file shows that second accused namely Shanthi is alleged to be the wife of one former Member of Parliament. But, the Investigating Officer has not even taken any effort to summon the second accused so far. The case was registered on 04.01.2022. Now almost, one year lapsed. Only subsequent to the dismissal of the earlier anticipatory application by this Court, this petitioner was summoned by the Investigating Officer. This petitioner has stated before the Investigating Officer that only the defacto complainant borrowed money from him for constructing hospital and towards discharge of that liability, he issued a cheque for Rs.20,00,000/-. He presented the same for payment. That was dishonoured, over which, he filed a private complaint. Since the Investigating Officer has not taken any steps to secure the second accused and this accused in spite of the dismissal of the earlier application and in view of the offer that has been made by this petitioner to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of this crime number before the trial Court, the request is considered.

5. When the matter was taken up for hearing on 01.02.2023, this Court has directed the petitioner to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of this Crime number before the trial Court on or before 13.02.2023.



6. In pursuance of the same, the petitioner has deposited a sum of Rs.5,00,000/- (Rupees Five Lakhs only) before the trial Court on 10.02.2023 and he has also produced the counter foil before this Court.

7. At this juncture, the learned counsel appearing for the second respondent would submit that the second respondent/defacto complainant may be permitted to withdraw the above said amount.

8. But, the learned counsel appearing for the petitioner would submit that depending upon the out come of the dispose of the above said case, permission may be granted to the second respondent/defacto complainant to withdraw the above said amount.

9. Considering the fact that the petitioner has already deposited a sum of Rs.5,00,000/- (Rupees Five Lakhs only) as per the order of this Court, this Court is inclined to grant anticipatory bail to the petitioner.

10. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.I, Madurai, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned. The petitioner shall appear before the first respondent police once in a week i.e., on every Saturday at 10.30 a.m., until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

11. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

12. The trial Court is directed to redeposit the amount of Rs.5,00,000/- (Rupees Five Lakhs only), which was deposited by the petitioner in Crime No.1 of 2022, in any one of the nationalized Banks, so that interest will accrue. The issue shall be decided at the disposal of the case.

sd/-

14/02/2023

/ TRUE COPY /

/03/2023

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

CSM

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



TO

1. The Judicial Magistrate No.I,
Madurai.

2. -do-Through The Chief Judicial Magistrate, Madurai.

3. The Inspector of Police,
City Crime Branch Police Station,
Madurai City.

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

+1 CC to M/s.T.PALANISAMY, Advocate (SR-2301[I] dated 15/02/2023)

ORDER

IN

CRL OP(MD) No.22098 of 2022

Date :14/02/2023

RD/MMS/SAR-II (03/03/2023) 4P 6C