



Crl. O.P. No.19730 of 2024

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P. DHANABAL.J.,

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The petitioner / 1st Accused, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 465, 466, 467, 471, 420 and 120-B of IPC in connection with the Cr. No.8 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the accused 1 to 4, with criminal intent to cheat the defacto complainant, have collaboratively looted a huge sum of Rs.6,40,00,000/- by fabricating documents, forging government records and by defrauding the defacto complainant, who is a Power Agent of one Mr. Balaji Rajagopalan, resident of USA, for their personal gain and they have registered 3 government lands and one disputed property with multiple fraud cases against it, in the name of Balaji Rajagopalan. Hence the case.

3. The learned counsel for the petitioner / 1st accused would contend that the respondent police have registered a false case against the petitioners for the alleged offences under Sections 465, 467, 468, 471, 420 and 120-B of IPC, that the petitioner and other accused have collectively



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looted a huge sum of Rs.6.40 crores by fabricating documents, forging government records and defrauding him for their unlawful gain and the accused have registered three Government lands and one disputed property with multiple fraud cases against it. In fact, the petitioner has taken a property being a vacant land situated at Mayiladuthurai for the purpose of construction of hospital and the said land is owned by Dharmapuram Aadhinam. The defacto complainant acquainted with the petitioner through a friend Vivek and showed interest in join hands with the petitioner as a partner to construct and run the hospital. Accordingly, a partnership deed was entered into between the petitioner and the defactoc complainant as 50% each and he agreed to contribute 50% cost of construction and accordingly, a deed of partnership was entered into between them on 13.07.2022. Accordingly, the defacto complainant agreed to contribute Rs.4 crores towards his share in the partnership business. The defacto complainant insisted that security should be given by the petitioner for his investment and after knowing the legal issues in respect of the properties situated at Payanur, he got the MOU from the petitioner and obtained power of attorney in respect of another property situated at Thiruvannamiyur and thereafter obtained settlement deed in respect of the property situated at Villur Village. No consideration was



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ever paid by the defacto complainant to the petitioner towards

consideration for executing the said three documents and only thereafter,

the defacto complainant made payment towards his share in the

partnership business for the purpose of construction. There is no

suppression of any facts. Now the defacto complainant wanted to

withdraw from the partnership business and insisted return of capital.

Thereby, dispute arose between the parties and now he has lodged this

false complaint by giving criminal colour to the civil dispute, however, the

petitioner is also ready to settle the matter and filed an affidavit that the

petitioner has only received Rs.3.80 crores from the defacto complainant

and ready to pay Rs.4 crore to the defacto complainant and out of the said

Rs.4 crore, Rs.2 crores will be paid on or before 30.12.2024 and balance

Rs.2 crore will be paid on or before 31.03.2025 and hence prayed for the

grant of anticipatory bail to the petitioner.

4. The learned counsel appearing for the intervenors would submit

that this petitioner along with other accused have induced to invest money

in the construction of hospital and thereafter, he came to know that the

property is not belong to the petitioner and also he invested more than 6

crores and he wanted to withdraw from the partnership, but the petitioner



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did not accept for that and refused to repay the amount and looted a sum of Rs.6.40 crores by showing some forged and fake documents. However, without prejudice his case and without admitting the quantum of the amount, he is ready to receive the amount as mentioned in the affidavit filed by the petitioner.

5. The learned Government Advocate (Criminal Side) would submit that the offences are grave in nature, that based on the complaint given by the defacto complainant, they registered the case and the case is under investigation and huge amount is involved in this case and hence he strongly opposed to grant anticipatory bail to the petitioner.

6. Heard both sides and perused the materials available on record.

7. Considering the rival submissions on either side, considering the fact that there are agreements between the parties in respect of construction of hospital and there is no previous case pending against the petitioner and the petitioner himself has filed an affidavit by stating that he is ready to pay Rs.4 crores and out of Rs.4 crores, Rs.2 crores will be paid on or before 30.12.2024 and the remaining Rs.2 crores will be paid on



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31.03.2025 and also considering the nature of offences charged against the petitioner, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Judicial Magistrate Court No.II, Chengalpet** on condition that the petitioners shall each 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 and on further condition that:

[a] the petitioner shall report before the respondent police on every Saturday at 10 a.m. until further orders;

[b] the petitioner shall deposit a sum of Rs.2 crores before the trial Court to the credit of Cr. No.8 of 2024 on or before 30.12.2024 and the remaining amount of Rs.2 crores on or before 31.03.2025 in the same crime number and after deposit of the said amount, the defacto complainant is at liberty to withdraw the said amount on proper application before the trial Court.



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[c] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[d] the petitioner shall not leave India without the previous permission of the Court;

[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

03.10.2024
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To
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- 1.The Judicial Magistrate Court No.II, Chengalpet
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, District Crime Branch, Chengalpattu District.

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