



Crl. O.P. No.19828 of 2024

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P. DHANABAL.J.,

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The petitioners / Accused, who apprehend arrest in the hands of the respondent police for the offence punishable under Sections 406, 420 and 506(i) of IPC in connection with the Cr. No.7 of 2024, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant and his wife are retired teachers, that the defacto complainant and his son had invested Rs.25 lakhs each for getting shares in Green Park International School run by the petitioner and on the promise given by the petitioner that 'trustee' post will be given to them and they have also lent money to the tune of Rs.35 lakhs as loan for M/s. Everest Blue Metals, that the petitioner neither repaid the amount nor given shares. The petitioners and other accused have also cheated many other witnesses. Hence the case.

3. The learned counsel for the petitioner would contend that the defacto complainant has given a false complaint as against the petitioners, that the 1st petitioner came to know the defacto complainant through 2nd accused, that he borrowed a sum of Rs.23 lakhs from the son of the



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defacto complainant and he had paid interest for the said loan properly,

that the son of the defacto complainant obtained the signature of the 1st

petitioner in the unfilled non-judicial stamp papers and in blank white

sheets and in letter pads of Green Park International School, that he has

also handed over unfilled cheques, that as the petitioner was unable to pay

interest during the year 2022, due to the ill-advice of others, the defacto

complainant has given a false complaint, that there was only a loan

transaction between the 1st petitioner and the defacto complainant, that he

has borrowed Rs.3,50,00,000/- from Gajendran and other witnesses, for

which he has given various securities and when dispute arose between

them, they have lodged false complaints by misusing the securities handed

over by the 1st petitioner at the time of borrowal of loan, that the said

Gajendran and his family also filed a W.P No.9554 of 2021 and the same

was dismissed, that suppressing all the facts, one Ramachandran, son of

Gajdendran has filed a complaint and the same was registered in Cr. No.5

of 2024 on the file of respondent police, in which, anticipatory bail was

granted to the petitioners, that there is no truth in the present complaint

lodged by the defacto complainant, that there is no independent transaction

between the 1st petitioner and the defacto complainant except a loan of

Rs.23 lakhs obtained by the 1st petitioner from the son of the defacto



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complainant, that the petitioners are innocent persons, that they have not committed any offence as alleged in the FIR and they are ready to abide by any condition imposed by this Court and hence, he prayed to grant anticipatory bail to the petitioners.

4. The learned counsel appearing for the intervenor would submit that A1 has many previous cases, that though he has granted anticipatory bail in those cases, he has not complied with any of the condition, that the defacto complainant and his son were induced by the accused to invest Rs.50 lakhs and purchase shares in Gree Park School, Kadathur and also borrowed Rs.35 lakhs as loan and has not repaid the same, that when the defacto complainant claimed his share in the school as promised by the petitioners, the accused criminally intimidated the defacto complainant, that there are so many cases against the 1st accused from the year 2013, that A1 used to invite investors by way of paper advertisement and the accused 2 to 15, used to help him in all aspects to get the investment amount from the innocent investors and huge amount of money is involved in this case and hence strongly opposed to grant anticipatory bail to the petitioners.



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5. The learned Government Advocate (Criminal Side) would submit that the 1st petitioner who is running the Green Park International School, induced the defacto complainant and his son to invest Rs.25 lakhs each for the purchase of shares and he also borrowed loan of Rs.35 lakhs from them and deceived them. There are 40 other witnesses, have deposited their money for getting shares in the school of the petitioners and under the pretext of giving Trustee post in the school and several crores have been looted by these petitioners and investigation reveals that more than Rs.13 crores is involved in this case and several complaints are received against these petitioners and hence strongly opposed to grant anticipatory bail to the petitioners.

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

7. Considering the rival submissions on either side, as far as the petitioners 2,6 and 7 are concerned, they were already arrested and hence grant of anticipatory bail would not arise and hence this criminal original petition is dismissed in respect of the petitioners 2, 6 and 7.

7. As far as the other petitioners are concerned, considering the rival



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submissions put forth on either side, considering the fact that there is money dispute between the defacto complainant and the 1st petitioner, that there are allegations that the other witnesses have deposited money to the 1st petitioner and those payments are only in respect of conducting school and even as per the FIR, at that time, there are money transactions between the 1st petitioner and the defacto complainant in respect of conducting school and M/s. Everest Blue Metals, that though other witnesses have also included in this case, there is no any complaint was given by them prior to this complaint, that except A1, there is no specific overt act as against the other petitioners and though the 1st petitioner is having other previous cases, in all the cases, he was released on bail, I am inclined to grant anticipatory bail to the petitioners 1, 3 to 5 and 8 to 15, subject to the following conditions:

7. Accordingly, the petitioners 1, 3 to 5 and 8 to 15 are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Judicial Magistrate Court No.II, Dharmapuri** 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



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that:

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[b] the petitioners 1, 3 to 5 and 8 to 15 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 them from disclosing such facts to the Court or to any police officer;

[c] the petitioners 1, 3 to 5 and 8 to 15 shall not leave India without the previous permission of the Court;

[d] the petitioners 1, 3 to 5 and 8 to 15 shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 1, 3 to 5 and 8 to 15 in accordance with law as if the conditions have been imposed and the petitioners 1, 3 to 5 and 8 to 15 released on bail by the learned Magistrate/Trial Court himself as laid down by the



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Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW

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

26.09.2024
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To

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

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