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CRL O.P. No.25367 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.10.2024

CORAM

The Hon'ble Mr. Justice P.DHANABAL

CRL OP.No.25367 of 2024

S. Selvam S/o. Samudi ... Petitioner /6th Accused
Vs

State rep. by:-

The Inspector of Police,
District Crime Branch, Dharmapuri. ... Respondent
[Cr. No.7 of 2024]

PRAYER: - The Criminal Original Petition is filed under Section 483 of
B.N.S.S., praying to grant bail to the petitioner/Accused in Cr. No.7 of
2024 on the file of the respondent police.

For Petitioner : Mr. D. Shivakumaran

For Intervenor: Mr. Deepan Raj Krishna

For Respondent : Mr.S. Vinoth Kumar
Government Advocate [Criminal side]

ORDER

The petitioner / 6th Accused, who was arrested and remanded to
judicial custody on 17.09.2024 for the offences punishable under



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Sections 406, 420 and 506(i) of IPC in Cr. No.7 of 2024 on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that the defacto complainant and his wife entered into a partnership agreement with the 1st accused on 05.12.2016 and invested Rs.50,00,000/- through A6 and A7 for their investment shares in Green Park International School, Kadathur, which is run by A1 accused Munirathinam and the defacto complainant has also invested Rs.35 lakhs in A1's Granite business. But the accused have neither given any share nor given any role for the defacto complainant in the school and also not repaid the money collected under the guise of giving share, roles and responsibilities in the management of the School, thereby, the accused have cheated the defacto complainant. Apart from that, the accused have threatened the defacto complainant if he asks for the return of money. Hence the case.

3. The learned counsel for the petitioner would contend that this petitioner has been falsely implicated in this case, that he was arrested and remanded to judicial custody on 17.09.2024 for the offences



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punishable under Sections 406, 420 and 506(i) of IPC. In fact, this petitioner has not committed any offence as alleged by the prosecution.

The defacto complainant's son has lent a sum of Rs.23 lakhs to the 1st accused repayable with interest, for which the 1st accused has also executed a promissory note and the defacto complainant's son has also obtained the signature of the 1st accused in various stamp papers and has also collected three unfilled cheques. The 1st accused had paid monthly repayment of Rs.30,000/- to the defacto complainant regularly upto 04.07.2022 and thereafter, due to financial crisis, he was unable to pay the interest and due to which, the defacto complainant under the ill-advice of one Ramachandran and Gajendran, filed various vexatious petitions claiming as if they have invested money in the school. On 28.01.2023, the 1st accused issued a lawyer's notice to the defacto complainant stating that he is ready to return the loan amount of Rs.23 lakhs with accrued interest and called upon him to return back the securities. There was no agreement between the defacto complainant and the 1st accused during the year 2016. The petitioner, who is arrayed as A6, was arrested and remanded to judicial custody on 17.09.2024 based



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on the false allegations and he has not committed any offence. Hence, he prayed that the petitioner may be released on bail.

4. The learned Government Advocate (Criminal Side) would submit that A1 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 A1 and under the pretext of giving Trustee post in the school and several crores have been looted by the accused and investigation reveals that more than Rs.13 crores is involved in this case and several complaints are received against the accused and hence he strongly opposed to grant bail to the petitioner.

5. The learned counsel appearing for the intervenor has reiterated the arguments of the learned Government Advocate (Criminal side) appearing for the State and objected to release the petitioner on bail.

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



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7. Considering the rival submissions on either side, considering the nature of offences charged against the petitioner, considering the fact that already some of the co-accused were released on anticipatory bail, that there is dispute pending between the defacto complainant and A1 Munirathinam in respect of running the school, considering the period of incarceration of the petitioner and also considering the fact that there is no previous case pending against the petitioner, I am inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to 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 **Judicial Magistrate Court No.II, Dharmapuri** and on further conditions that:

[b] the petitioner shall report before the respondent police daily at 10 a.m. until further orders.

[c] the petitioner shall not commit any offence similar to the



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offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the petitioner shall not abscond either during investigation or trial;

[e] 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 or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned Judicial 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].



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[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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index: Yes/No

Internet: Yes/No

Speaking/Non Speaking order

mjs

P.DHANABAL,J

mjs

To

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

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