



CRL OP(MD) No.228 of 2024

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

Wednesday, the Tenth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.228 of 2024

1 J.STEPHEN SELVAKUMAR

2 P.MEENA PREETH @ MEENA PREETHI

... PETITIONERS / ACCUSED NO.1 TO 2

Vs

1.THE SUB INSPECTOR OF POLICE
CENTRAL CRIME BRANCH,
MADURAI CITY POLICE
COMMISSIONERATE,
MADURAI.
(CRIME NO.28/2023)

... RESPONDENT/COMPLAINANT

2.S.INDHUMATHI

...PETITIONER/DEFACTO COMPLAINANT
IN CRL MP(MD)NO.301 of 2024

For Petitioner : M/S.RAJA KARTHIKEYAN Advocate

For Respondent : MR.P.KOTTAICHAMY, Govt. Advocate (Crl. Side)

For Intervener : M/S.N.THAMILMUL ANSARI, Advocate

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

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



CRL OP(MD) No.228 of 2024

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.28 OF 2023 ON THE FILE OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners/ A1 & A2, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 120(B), 406, 420, 465, 468, 471, 477A IPC, in Crime No.28 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner and the defacto complainant's husband are friends and they started a partnership firm for wholesale medicine in the name and style of RJL Annai Pharma, in which, the defacto complainant's husband invested a sum of Rs.2 Crores and 40 Lakhs. As per the partnership deed, the first petitioner received Rs.40,000/- as monthly salary and in addition to that he is entitled for 1% profit and 99% profit to the defacto complainant's husband. Since the defacto complainant's husband is employed in foreign country, he handed over the business transaction to the petitioners and he returned in the year 2023 and thereafter, he came to know that the accused persons misappropriated the amount to the tune of Rs.4 Crores and 58 Lakhs. Hence, case.

3.The learned counsel appearing for the petitioners would submit that the dispute between the parties is purely partnership dispute and due to the business



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rivalry, the defacto complainant made the present false complaint. In fact, the first petitioner also invested Rs.2 Lakhs in the firm and the defacto complainant's husband got 99% profit whereas the first petitioner got only 1% of the profit. In the year 2014, he mortgaged the property for personal things and obtained Rs.2 Crores, out of which, he spent Rs.1.2 Crores for the company and the account was closed. Again, in the year 2020, the petitioner borrowed a loan for a sum of Rs.2.5 Crores for constructing a marriage hall. Accordingly, a sum of Rs.1 Crore and 85 Lakhs was transferred to the defacto complainant's husband from the company and balance Rs.85 Lakhs is available in the company's account. He would further submit that except salary of Rs.40,000/- and 2% profit, no amount was received by the petitioners. Hence, he seeks anticipatory bail.

4.The learned counsel appearing for the defacto complainant/intervenor would submit that the admittedly, the defacto complainant invested Rs.2 Crores and 40 Lakhs in the company and the shares of the defacto complainant's husband was deposited in the company's account only. However, the profit shown as only Rs.1 Crore and 85 Lakhs. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that investigation of this case is at preliminary stage.



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6. Considering the facts and circumstances of the case and considering the fact that the defacto complainant's husband invested a sum of Rs.2.40 Crores from the year 2012 to 2021, whereas, the petitioners paid a sum of Rs.1.85 Crores as profit to him. According to the petitioners, Rs.85 Lakhs is available in the company's account. The Statement of account produced before this court is not given by any Bank. Even assuming the statement is true, the defacto complainant's husband invested Rs.2 Crores 40 Lakhs by borrowing loan from the Bank for his personal expenses. Though the defacto complainant's husband invested a huge amount in the company, no profit was given to him. The statement given by the petitioners is unbelievable one and no valid proof was placed before this Court. Without Statement of account details obtained from the Bank, mere production of document is not acceptable one. Hence, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this criminal original petition is dismissed.

sd/-
10/01/2024

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/01/2024
Sub-Assistant Registrar (CS-I/ II/ III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gns



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TO

1.THE SUB INSPECTOR OF POLICE
CENTRAL CRIME BRANCH,
MADURAI CITY POLICE
COMMISSIONERATE,
MADURAI.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.228 of 2024

Date :10/01/2024

RK/DD (23/01/2024) 5P / 3C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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