



CRL OP(MD) No.20723 of 2022

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

Monday, the Twenty Fifth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.20723 of 2022

1 VIJAYSASITHARAN

2 GOVRE

3 MUTHUSAMY

... PETITIONERS / ACCUSED RANK NOT KNOWN

Vs

THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH (DCB),
DINDIGUL DISTRICT
(CRIME NO.NOT KNOWN OF 2022)

... RESPONDENT/ COMPLAINANT

ANNADURAI

...PETITIONERS/THIRD PARTY/
VICTIM & DEFACTO COMPLAINANT
IN CRL MP(MD)No. 14567 of 2022

For Petitioner : M/S.VISHNUVARDHAN S Advocate

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

For Intervenor : M/S.P.KRISHNAVENI, Advocate
IN CRL MP(MD)No. 14567 of 2022



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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.NOT KNOWN OF 2022 ON THE FILE OF THE RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Section 420 IPC, in Crime No.not known, seek anticipatory bail.

2. The case of the prosecution is that on 01.04.2022, the defacto complainant has entered into a partnership agreement with the petitioners for the partnership firm run by the petitioners under the name and style of Vikramaaditya Agro Tech and the defacto complainant was also included as one of the partners in the Firm and he invested huge amount of Rs.5,25,00,000/- which was transferred through bank account. Thereafter, it was found that the accused persons have purchased the properties by using the amount given by the defacto complainant and have cheated the defacto complainant. Hence, the complaint.

3. When the matter is taken up for hearing, the learned counsel appearing for



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the petitioners submit that the third petitioner has sent a letter dated 04.03.2024 to him stating that he is going to engage some other counsel and therefore, the learned counsel submits that he is not pressing this petition in respect of the third petitioner.

4. The learned counsel appearing for the petitioners 1 and 2 would submit that the petitioner Nos.1 and 2 did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that out of Rs.5.25 Crores, Rs.4.45 Crores were settled and the remaining amount of Rs.80,00,000/- has to be paid. On instructions, he would further submit that the first petitioner is ready to pay a sum of Rs.40,00,000/- in favour of the defacto complainant on behalf of him and his wife, who is the second petitioner herein.

5. The learned Government Advocate (Crl.side) appearing for the respondent Police submitted that the investigation is yet to be completed.

6. Since the learned counsel appearing for the petitioners is not pressing this petition in respect of the third petitioner, this Petition is dismissed as not pressed in respect of the third petitioner.



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7. Considering the facts and circumstances of the case and the submission made by the learned counsel appearing for the petitioner Nos. 1 and 2, this Court is inclined to grant anticipatory bail to the petitioner Nos.1 and 2.

8. Accordingly, the petitioner Nos.1 and 2 are granted anticipatory bail and they are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Dindigul, on condition that the petitioner Nos.1 and 2 shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) as per the undertaking given by the first petitioner, the first petitioner shall make a deposit of Rs.40,00,000/- (Rupees Forty Lakhs only) by way of a Demand Draft in favour of the defacto complainant and hand over the same to the defacto complainant within a period of four weeks from the date of receipt of a copy of this order, failing which, the anticipatory bail granted to the petitioner Nos.1 and 2 shall stand automatically cancelled. The proof shall be filed before the trial Court. The



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concerned Magistrate, after perusing the proof, shall accept the sureties furnished by the petitioner Nos.1 and 2.

(b)if the petitioner Nos.1 and 2 failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(c)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d)the petitioner Nos.1 and 2 shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

(e)the petitioner Nos.1 and 2 shall not tamper with evidence or witness either during investigation or trial;

(f)the petitioner Nos.1 and 2 shall not abscond either during investigation or trial;

(g)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner Nos.1 and 2 in accordance with law as if the conditions have been imposed and the petitioner Nos.1 and 2 released on bail by the learned Magistrate/Trial Court himself as laid down by



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the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560];

and;

(h)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

(i) if the first petitioner pays the said amount of Rs.40,00,000/-, the first respondent Police may refer the case as 'further action dropped' in respect of the petitioner Nos.1 and 2.

sd/-
25/03/2024

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/04/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB

TO

- 1 THE JUDICIAL MAGISTRATE,
DINDIGUL
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.



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3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH (DCB),
DINDIGUL DISTRICT

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

+1 CC to M/s.S.VISHNUVARDHAN, Advocate (SR-3668[I] dated 26/03/2024)

ORDER
IN
CRL OP(MD) No.20723 of 2022
Date :25/03/2024

PKP/JGB/SAR /22.04.2024/ 7P/6C

Madurai Bench of Madras High Court is issuing certified
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