BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 16/12/2024
PRESENT
The HONOURABLE MR. JUSTICE N.ANAND VENKATESH
CRL OP(MD). No.18823 of 2024
and
CRL MP(MD). Nos.11974 and 11981 of 2024

N.Dinesh ... Petitioner/Accused No.1

Vs

The Inspector of Police,
Thiruverumbur Police Station,
Trichy District.
Crime No. 417/2024. ... Respondent/Complainant

For Petitioner	:	M/s.M.Janani Priya, Advocate
For Respondent	:	Mr.B.Thanga Aravindh, Government Advocate (Crl.Side)
For Intervenor	:	Mr.C.Jeya Prakash, Advocate (in Crl.M.P(MD)No.11981 of 2024)
For Intervenor	:	Mr.Niranjan S.Kumar, Advocate (in Crl.M.P(MD)No.11974 of 2024)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.417 of 2024 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 316(2) and 318(4) of BNS (hereinafter referred to as new penal code) in Crime No.417 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant approached A1, who is a sales employee of the Company and A1 assured that high quality materials are available at a low cost and convinced him to purchase those iron materials on the false promise that it will yield high profits. Accordingly, a sum of Rs.10 Lakh was transferred by the defacto complainant. The iron materials were not delivered and the amount was also not repaid back.. There are totally two accused persons in this case and the petitioner has been arrayed as A1.

3. When the matter came up for hearing on 08.11.2024, this Court passed the following order:

> "This Court heard the learned Counsel on behalf of the petitioner in the anticipatory bail petition and also the counsel on behalf of the intervener, who are the defacto complaint and the other accused person who is arrayed as A2 in this case. The entire case is borne out by documents.
>
> 2.In view of the above, the investigating officer shall summon the petitioner, A2 and also the defacto complainant and conduct the enquiry. Whenever the summons are issued, the accused person is bound to appear before the investigating officer to conduct the enquiry and to

record their statement and to collect the materials from them. This Court is inclined to give four weeks time to the investigating officer to conduct the enquiry and to submit a status report. Based on the same, further orders will be passed in these petitions.

3.Post this case on 09.12.2024.

4.It is made clear that if the accused person takes advantage of this order and evade participation in the enquiry, that by itself will be ground for dismissal of the anticipatory bail petition."

4.When the matter was taken up for hearing today, a status report was filed and the relevant portions are extracted hereunder:

"5.I submitted that, subsequently, summons were issued on 29.11.2024 to the complainant Nagappan, the accused Dinesh and Prasanna, as well as witnesses associated with OIl Associates and Sri Krishna Corporation to appear for inquiry. All individuals appeared and provided their statements both verbally and in writing.

(a)In the complainant Nagappan's written statement, he confirmed transferring Rs 10,00,000 in two installments to Prassana's Union Bank account (A/C No: 730601010060063) on 28.11.2023 he clarified that he had no prior acquaintance with Prasanna and transferred the funds solely based on Dinesh's instructions.

(b) Mr. Maran, the manager of Sri Krishna Corporation, appeared and provided a written statement explaining that Balu Iron & Steel, a company based in Coimbatore, operates in Guntur, where Dinesh serves as a sales officer. He stated that under Dinesh's order, goods worth Rs.4,45,875/- were delivered to the Mayiladuthurai area under the name "The Farmer". However, Dinesh delayed paying for the goods. On 29.11.2023, the payment was made from the Union Bank account of Sri Vishnu Enterprises, thus settling the due amount.

(c) In a written statement provided via post by Mr. Kathiravan, Manager of Oil Associate Company, it has been stated that Dinesh worked as a Sales Manager at Balu Iron & Steel Company. Based on the order given by him, delivery was made to Sri Vishnu Enterprises, and the corresponding payment was deposited into their bank account by Dinesh in three installments. The corresponding amount Rs.5,35,084/- in the name of Sri Vishnu Enterprises was transferred in the date of 28.11.2023.

(d) The accused, Dinesh, appeared and submitted a written statement denying any involvement in this case. He claimed that his only role was to introduce Prasanna to Nagappan, the proprietor of

Murugappa Corporation. He denied any personal involvement in their financial transactions. When confronted about discrepancies in his statement compared to those of Nagappan, Prasanna, Oil Associates, and Sri Krishna Corporation, Dinesh failed to cooperate fully and maintained that he was unaware of the details.

(e) The other accused, Prasanna, appeared and reiterated the points already mentioned in his previous statement of 24.10.2024

It is further I submitted that, In this case on my investigation, based on the documents collected through my investigation and based on the written statements. it appears that the Ist accused Dinesh and the 2nd accused Prasanna, who are associated with a company named 'Sri Vishnu Enterprises', instructed the complainant, Nagappan, to transfer a sum of Rs.1,00,000 to the Union Bank account of the 2nd accused, Prasanna. The money was then transferred to the accounts of 'Oil Associates' and 'Sri Krishna Corporation' through Prasanna as directed by first accused Dinesh. On the day of 24.10.2024 the 2nd accused Prasanna, having been summoned for enquiry and also appeared for enquiring and it was found that the complainant Nagappan, had transferred Rs.5,00,000 to the Bank account. It is evident that Dinesh, using the 2nd accused's Bank account mislead and dishonestly cheated and the complainant Nagappan, and carried out a fraudulent activity"

5.Heard the learned counsel appearing on either side.

6. Taking into consideration the facts and circumstances of the case and considering the fact that the entire case is borne out by records and the petitioner has appeared for enquiry and his statement has also been recorded, no further custodial interrogation is required in this case, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is ordered. Consequently, the connected miscellaneous petitions are closed. The petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.VI, Trichy, on condition that the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioner and the sureties shall affix their photographs and Left Thumb

Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[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]; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS 2023.

sd/-
16/12/2024

/ TRUE COPY /

/01/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR

TO

1 THE JUDICIAL MAGISTRATE NO.VI, TRICHY.

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

3 THE INSPECTOR OF POLICE, THIRUVERUMBUR POLICE STATION, TRICHY DISTRICT.

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

+1 CC to M/s.M.JANANI PRIYA, Advocate (SR-15527[I] dated 17/12/2024)

ORDER
IN
CRL OP(MD) No.18823 of 2024
Date :16/12/2024

RS/SKN/SAR-(02.01.2025) 8P 6C
Madurai Bench of Madras High Court is issuing
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