



CRL OP(MD) No.19686 of 2023

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

Thursday, the Fourth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1 KISHAN K.R.GUPTA

2 MAHESH GUPTA

3 LOKENDER KUMAR

4 VISWAS ... PETITIONERS NO.1 TO 4/ (*)ACCUSED RANK 1, 2, 6 & 7

Vs

THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH POLICE STATION,
MADURAI DISTRICT.
(*)(CRIME NO.28 OF 2023).

... RESPONDENT/COMPLAINANT

(*)(AMENDED AS PER ORDER OF THIS HON'BLE
COURT DATED 21/11/2023 IN CRL MP(MD).
16456/2023 IN CRL OP(MD).19686 OF 2023 BY VSGJ)

V.JEYARAJ ... INTERVENE PETITIONER/PROPOSED RESPONDENT NO.2
IN CRL MP(MD).16299/2023 IN CRL OP(MD).19686/2023

For Petitioners 1-3	:	MR.S.KARTHIKEYAN, Advocate
For Petitioner 4	:	MR.INIYAVAN, Advocate
For Respondent	:	MR.B.NAMBISELVAN, Additional Public Prosecutor
For Intervener	:	MR.B.MUNEESWARAN, Advocate



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PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

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PRAYER :

FOR ANTICIPATORY BAIL IN CRIME NO.NOT KNOWN OF 2023 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 Sections 120(B), 420, 466, 467, 468, 471 IPC, in Crime No.28 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the petitioners No.1 and 2 are the Directors of Tirupati Agro Foods and Farms Private Limited, Delhi. The defacto complainant made a complaint before the respondent Police stating that one Suresh Kumar, who is Sales Officer of the petitioners' Tirupati Agro Foods and Farms Private Limited, received Rs.60,00,000/- from the defacto complainant and handed over three original documents. After collecting the said amount, the said Suresh Kumar asked the defacto complainant to sell the property to the third party in respect of one of the original document given to the defacto complainant. Thereafter, without knowledge of the defacto complainant, the said Suresh Kumar sold the above said property to another person. When the enquiry was made by the defacto complainant with the concerned Registrar Office, he came to know that after obtaining Non Traceable Certificate, as if, the said documents were missing and by which, he sold the same



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property to the third party. Hence, the defacto complainant made a complaint before the respondent Police.

3. The learned counsel appearing for the petitioners would submit that that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. The petitioners did not entered into any agreement with the defacto complainant. However, on instructions, he would submit that the petitioners are ready to deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) each to the credit of Crime No.28 of 2023, before the learned Judicial Magistrate No.I, Madurai, without prejudice to their rights and contentions before the concerned Court. The trial Court may disburse the said amount to the defacto complainant, after obtaining appropriate affidavit from the defacto complainant that if the petitioners succeed in the trial, liberty may be given to the petitioners for refund of the said amount Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned counsel for the intervenor appearing for the defacto complainant would submit that so far the original documents are with the defacto complainant. Suppressing the actual facts, the petitioners obtained Non Traceable Certificate and sold the said property to the third party. Hence, he prays to dismiss this petition.

5. The learned Government Advocate (Crl.Side) would submit that the investigation is pending and it is at crucial stage. If the petitioner is granted



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anticipatory bail to the petitioners, they may abscond and there will be no progress in the investigation. Hence, he opposed to grant anticipatory bail to the petitioners.

6. Considering the facts and circumstances of the case and and the fact that the petitioners are ready to deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) each to the credit of Crime No.28 of 2023, before the concerned trial Court, without prejudice to their rights and contentions, I am inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the petitioners 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 No.I, Madurai, on condition that the petitioners 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) if the petitioners failed to surrender before the concerned Magistrate within a period of four weeks from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix their photographs and left thumb impression in the



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surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioners shall deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) each to the credit of Crime No.28 of 2023, before the learned Judicial Magistrate No.I, Madurai, without prejudice to their rights and contentions, within a period of four weeks from the date of receipt of a copy of this order. The trial Court may disburse the said amount to the defacto complainant, after obtaining appropriate affidavit from the defacto complainant that if the petitioners succeed in the trial, the petitioners are entitled for refund of the said amount;

(d) the petitioners shall report before the respondent police as and when required for interrogation;

(e) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;



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

sd/-
04/01/2024

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/01/2024

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.INIYAVAN, Advocate (SR-234[I] dated 05/01/2024)

ORDER
IN

CRL OP(MD) No.19686 of 2023
Date :04/01/2024

RS/JGB/SAR-(29.01.2024) 6P 6C
Madurai Bench of Madras High Court is issuing
certified copies in this format from 17/07/2023