



Crl.O.P.No.6888 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 11.03.2025

PRONOUNCED ON : 20.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.6888 of 2025

1. Poovizhi
2. M.Raja
3. K.Panneerselvam
4. S.Kamarajan ... Petitioners/A2 to A5

Vs.

State Rep. by
The Inspector of Police,
Central Crime Branch,
Salem City, Salem District.
[Cr.No.1 of 2025] ... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioners on anticipatory bail in the event of their arrest by the respondent police concerned in Crime No.1 of 2025, on the file of the respondent police.

For Petitioners : Mr.D.Shivakumaran
For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)
For Intervenor : Mr.M.Fazil Perarivalan

ORDER

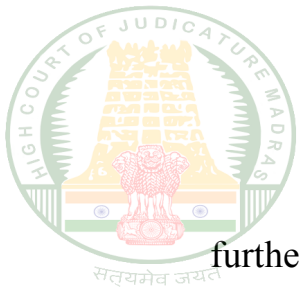
The petitioners/A2 to A5, who apprehend arrest at the hands of the



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respondent police for the offences punishable under Sections 406, 420, 120B, 109, 468 and 506(1) of IPC in Crime No.1 of 2025, on the file of the respondent police, seek anticipatory bail.

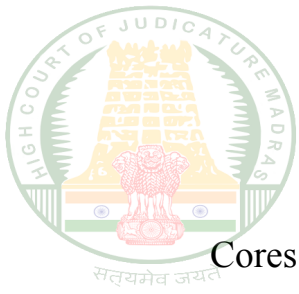
2. It is the case of the defacto complainant that he came to know the first accused one Munirathinam through a common friend in January 2018; that the petitioners along with the said Munirathinam had represented to the defacto complainant that they would start a school and they would include the defacto complainant as a partner and induced him to pay a huge sum; that later in the month of July 2018, the first accused and the petitioners again represented that they were running a Blue Metal company and in order to expand their business they needed a loan of Rs.3,50,00,000/-; that believing the representation the defacto complainant paid Rs.3,13,00,000/- as loan; that the petitioners had also executed a document acknowledging the receipt of loan and thereafter brainwashed the defacto complainant and made him to invest Rs.2,60,00,000/- in the quarry business; that thereafter, the defacto complainant paid Rs.3 Crores, Rs.10 Crores and Rs.10 Crores on the promise that he will be included as partner in the quarry business and a



further sum of Rs.5,33,00,000/- by way of cash towards investment in the quarry business and towards royalty; that after receiving the aforesaid amounts till July 2019, the petitioners neither repaid the money nor paid the royalty money or the profit in the business and thus cheated the defacto complainant to the tune of Rs.38,73,00,000/-.

3. (i) The learned counsel for the petitioners submitted that the alleged transactions mentioned by the defacto complainant pertain to the years 2018 and 2019; that the documents relied upon by the defacto complainant to prove the loan and other transactions were forged by the defacto complainant; that the mortgage deed dated 13.10.2018 was executed on a Stamp Paper which was purchased on 16.11.2018; and that the Royalty agreement dated 31.03.2019 was fabricated on a stamp paper purchased on 01.06.2019, which falsifies the case of the defacto complainant.

(ii) The learned counsel further submitted that the first and third accused had issued cheques to the defacto complainant and 16 cases were compounded in respect of a portion of the admitted loan of Rs.1.36



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Cores; that in respect of six cases for a claim of Rs.28,68,00,000/- the trial is pending; that a civil suit was filed by the petitioners against the defacto complainant and others for permanent injunction restraining the defacto complainant and others from entering in the property in which the first accused is running the school; and that an arbitration proceedings was initiated and an award was passed on 27.04.2023 in respect of the same transaction and the claim made by the defacto complainant was dismissed by the arbitrator.

(iii). The learned counsel further submitted that similar complaint was lodged before the Inspector of Police, Kadathur Police Station and the said complaint was closed on 07.01.2024 and thereafter the instant FIR was lodged suppressing all the above facts.

4. The learned counsel for the defacto complainant opposed the grant of anticipatory bail and submitted that the petitioners along with the first accused had cheated the defacto complainant a total sum of Rs.33 Crores by making several false representations and that custodial interrogation of the petitioners is required.



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5. The learned Government Advocate (Crl.Side) while opposing the petition for anticipatory bail, reiterated the prosecution case and confirmed the fact that the transactions between the petitioner and the defacto complainant took place in the years 2018 and 2019 and the respondent/complainant were not aware of the civil proceedings pending between the parties.

6. The alleged transactions between the petitioners and the defacto complainant took place in the year 2018-2019. Admittedly, according to the defacto complainant all these monetary transactions were made pursuant to the agreements and documents executed by the petitioners. Though the transactions took place in the year 2019, surprisingly the defacto complainant had not taken any action on the alleged cheating till 2025.

7. Be that as it may, the defacto complainant has also suppressed the fact that an arbitration award in V.P.No.1 of 2020 in O.P.No.79 of 2020 was passed on 27.04.2023 by the Arbitrator appointed by this Court, dismissing the claim petition of the defacto



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complainant. The claim before the Arbitrator is exactly the same as the averments made in the FIR. Further, the fact that a suit has been filed by the first accused in OS No.38 of 2024 on the file of the District Munsif Court, Pappireddipatti, for a permanent injunction restraining the defacto complainant and other from interfering in the peaceful possession of the suit schedule properties and from interfering in the affairs of the Trust, has also been suppressed. It is very strange that the first respondent has also entertained and registered the complaint with regard to a commercial dispute relating to the transactions that took place in the years 2018 and 2019, without verifying these facts. The defacto complainant and the first respondent have clearly abused the process of law, which cannot be countenanced. The first respondent's claim that they were unaware of the various proceedings and the orders cannot be accepted. The entire exercise has been done to arm twist the petitioners. In any case, this Court is of the view that custodial interrogation of the petitioners is not required and is inclined to grant anticipatory bail on the following conditions:

8. Accordingly, the petitioners are ordered to be released on



bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate No.II, Salem**, on condition that the petitioners shall execute a separate 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 learned Magistrate concerned and on further condition that:

[a] the petitioners 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.

[b] the Petitioners shall report before the respondent police, as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] 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



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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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 of B.N.S.

20.03.2025

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SUNDER MOHAN., J.

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To

- 1.The Judicial Magistrate No.II, Salem.
2. The Inspector of Police,
Central Crime Branch,
Salem City, Salem District.
3. The Public Prosecutor,
High Court of Madras.

Pre-delivery order in
Crl.O.P.No.6888 of 2025

20.03.2025