IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **04.12.2025**

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP Nos. 31673 & 31827 of 2025

1.M.Ramesh Iyer @ Ramesh
2.R.Subbulakshmi ….Petitioners/A1 & A2
[in Crl.O.P.No.31673/2025]

3.Raja @ M.K.Marimuthu …Petitioner/A4
[in Crl.O.P.No. 31827/2025]

Vs

The State rep. by

The Inspector of Police
District Crime Branch

Erode,

Crime No. 14 of 2025. ...Respondent
[in both Petitions]

Common Prayer: Criminal Original Petitions filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the event of their arrest pending investigation in Crime No. 14 of 2025 on the file of the respondent police.

For Petitioner [In Crl.O.P.No. 31673/2025] : Mr.MA.Gouthaman

For Petitioner [in Crl.O.P.No. 31827/2025] : Mr.N.Ponraj

For Intervener : Mr.N.Manokaran
[In both petitions]

For Respondent : Ms.J.R.Archana
[In both petitions] Government Advocate (Criminal Side)

COMMON ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 405, 406, 420, 464, 465, 468, 470, and 471 read with Section 120B IPC in Crime No.14 of 2025, on the file of the respondent Police, seeks anticipatory bail.

2. The allegation against the petitioners is that the petitioner in Crl.O.P.No.31827 of 2025 ranked as A4 and the petitioners in Crl.O.P.No.31673 of 2025 ranked as A1 and A2 in this case. On the instructions of A1 and A2, the de-facto complainant has come forward to invest a sum of Rs.2,00,00,000/- in the A4's Company. Similarly, on the instigation of A1 & A2 another one crore deposited into A4's business firm as investment. Subsequently, the de-facto complainant has not received any profits from the investment made by him and he has demanded the petitioners herein to return back the money. However, some token amount has been returned and the remaining amount was misappropriated. Hence the complaint was lodged.

3. The learned counsel for the petitioner/A4 in Crl.O.P.No.31827/2025 reported that A1 was working as Priest in a temple and only some advise with regard to investment purpose and directed the de-facto complainant and others to invest in certain companies and investment has also made and the petitioner has not received any profit, they are liable to give return back the same. He further submits that some of the amounts were also returned to the de-facto complainant and it was also captured in the bail order in Crl.M.P.No.2027 of 2025, dated…... passed by the learned Judicial Magistrate No.II, Erode, wherein, it was recorded that the petitioner has paid Rs.53,00,000/- to the de-facto complainant apart from Rs.10,00,000/- also paid. He further submits that there is no intention to cheat the de-facto complainant and the petitioner is ready to abide by any conditions that may be imposed by this Court and ready to furnish sufficient solvent sureties for his release. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Counsel for the petitioners/A1 & A2 in Crl.O.P.No. 31673 of 2025 submits that the petitioners are the husband and wife and they returned huge amounts to the de-facto complainant and they have also produced various receipts to substantiate the same to the effect that nearly more than Rs.1,00,00,000/- by way of bank transfer as well as the Demand

Draft. He further submits that the petitioners are ready to abide by any conditions that may be imposed by this Court and ready to furnish sufficient solvent sureties for their release. Hence, he prays for grant of anticipatory bail to the petitioners.

5.Mr.N.Manokaran, learned Counsel appearing for the Intervener/De-facto Complainant submits that though some portion of the amounts have been paid, but those transactions have not been accepted by the de-facto complainant. Since the bank statement revealed that only to the extent of Rs.13,00,000/- has been received by the de-facto complainant. He has also denied the receipts of the money from A5 and there are collusion between A4, A5 and other accused and they have introduced the de-facto complainant to deposit money in the name of investment and they misappropriated the same and the learned Counsel for the Intervener/De-facto Complainant opposed for grant of bail to the petitioners.

6. The learned Government Advocate (Criminal side) appearing for the respondent police, reiterated the prosecution case and submits that the investigation is pending and he opposed for grant of anticipatory bail to the petitioners.

7. I have also gone through the FIR and other connected materials produced before me. Admittedly, the de-facto complainant has come forward to make some deposits as investment in A4's Company's for the purpose of making profit but those investments made on the advise by A1 to A3 in this case. Since all the allegations and payments/non payments borne out from the records, hence, I am of the view that the custodial interrogation of the petitioners is not necessary and the Investigating Officer can very well verify all the documents and come to the conclusion what was the amount paid by the petitioners herein and further if the amount is to be paid by the petitioners herein and the same could be recovered. Therefore, the de-facto complainant shall approach before the appropriate Forum in the manner known to law.

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, Erode, o**n condition that the petitioners shall execute a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand Only) with two sureties** each for a like sum to the satisfaction of the learned Magistrate

concerned and on further condition that:

(a) If the petitioners fail to surrender before the concerned Magistrate, within a period of fifteen days 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 Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[c] **the petitioners shall report before the respondent Police daily at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;**

[d] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court themselves as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [**(2005)13 SCC 283**];**

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

04.12.2025

MSM

To

1.The Judicial Magistrate No.II, Erode.

2.The Inspector of Police
District Crime Branch
Erode, Crime No. 14 of 2025.

3. The Public Prosecutor,
High Court of Madras.

K.RAJASEKAR, J.

MSM

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