



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

Wednesday, the Ninth day of December Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.13437 of 2015

1. JAYACHANDRAN
2. JAYA SREE

... PETITIONERS /1st & 2nd ACCUSED

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, NAGERCOIL

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.L.VICTORIA GOWRI Advocate

For Respondent : Mr.K.ANBARASAN, Government Advocate (Crl. Side)

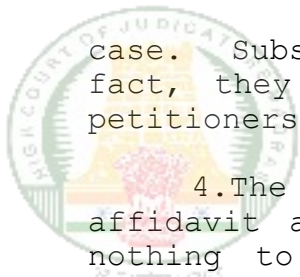
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused No. 1 and 2, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 120(b), 406 and 506(i) of IPC in Crime No.52 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and other accused informed the de facto complainant that they are doing business in share market, in the name and style of "M/s. Jaya Anbu Captial (P) Ltd.," and they further informed the de facto complainant that if he invest the money in their firm, they will give 10% of dividend to his deposit. On believing the words of the petitioner, the de facto complainant deposited a sum of Rs.25,00,000/- in the stock and share market business with the petitioner. The first petitioner and other accused paid one month dividend and subsequently, they did not pay any dividend, due to which, the de facto complainant demanded the deposited amount with dividend. While so, on 03.02.2011, the first petitioner executed a Assurance Deed in favour of the de facto complainant and other depositors. But, they did not pay neither the dividend nor the deposited amount. Therefore, the de facto complainant has given a complaint before the Superintendent of Police, Kanyakumari District, which was forwarded to District Crime Branch, Nagercoil.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and their name has been falsely implicated in this case. He further submitted that the first petitioner is a Siddha Doctor and the second petitioner is the wife of the first petitioner and they have received summons from the Police Station calling upon them for enquiry to be held on 23.06.2015 and the first petitioner refused to attend the enquiry. The respondent police took his signature in the Blank Papers and after three months, they compelled him to settle an amount of Rs.15,00,000/-, immediately, otherwise they will register a



case. Subsequently, they have also registered a case against them, in fact, they have no jurisdiction to investigate the matter, since the petitioners are permanent resident of Dharmapuri District.

4. The learned Government Advocate (Crl. Side) filed a counter affidavit and stated that two cases mentioned by the petitioners have nothing to do with the present case. He further submitted that the petitioners and other accused persons received a sum of Rs.25,00,000/- from the de facto complainant on giving a false promise that they will give good dividend and they have also collected a sum of Rs.5,29,00,000/- from the de facto complainant and other 42 persons and cheated them. It is further contended that the investigation is pending and if the petitioners are granted anticipatory bail, they will tamper the witness and hamper the investigation and prayed for dismissal of this petition.

5. Considering the charges levelled against the petitioners and that the petitioners have collected a huge sum of Rs.5,29,00,000/- from the de facto complainant and various other persons and cheated them and that the other accused is absconding, this Court is not inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the Criminal Original Petition is dismissed.

sd/-
09/12/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, NAGERCOIL
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
3. THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, DHARMAPURI
4. THE INSPECTOR OF POLICE,
ECONOMIC OFFENCES, SALEM

+1. CC to M/S.L.VICTORIA GOWRI Advocate SR.No.70756

ORDER IN
CRL OP(MD) No.13437 of 2015
Date :09/12/2015

trp
SH/GSV-AN/SAR-I:14.12.2015:2P/6C