Crl.O.P.No.11235 of 2016

B.GOKULDAS, J.

The petitioner, who was arrested on 07.04.2016, for the offences punishable under Sections 420, 406, 294(b), 506(i) IPC r/w section 5 TNPID Act 1997 in Crime No.3 of 2015, on the file of the respondent Police, seeks bail.

2. Heard the learned counsel appearing for the petitioner / Accused, the learned Government Advocate (Criminal Side) appearing for the State and the learned counsel for the intervener.

3. The case of the prosecution is that the petitioner is a Public Relation Officer of a company in Hong Kong. The petitioner insisted the defacto complainant to make deposit for 100 days stating that they will repay the said amount in double along with share in gold. Believing his words, he made payments. However, there is no return of the money, thus the accused has cheated Rs.36,33,000/- from various persons including the defacto complainant and escaped from the scene of occurrence.

4. The learned counsel for the petitioner submitted that though the payments were made in 2013, the complaint was lodged only in 2015. There is no complaint filed by the defacto complainant immediately in the year 2013. He further submitted that the petitioner is a 65% disabled person and he has been in judicial custody for more than 45 days.

B.GOKULDAS, J.

ajr/adl

5. The learned Government Advocate (Criminal Side) appearing for the State submitted that the investigation is in preliminary stage.

6. The learned counsel for the intervener submitted that the petitioner has only induced the villagers and other persons to make payments. After registration of the case, the petitioner has vacated the premises. It is a cyber crime. Further, he submitted that after verification, there is no gold mine owned by the said foreign company.

7. According to the petitioner, he is a paid servant of a foreign company and acting as a Public Relation Officer. The petitioner himself admits that part of amount has been received by him, on behalf of his company. Now the question, as to whether the company is in existence in foreign or not, is yet to be investigated. Further, the stage of the investigation is pending. Under these circumstances, since the petitioner himself admitted about receipt of part of payment by him, he has to answer the depositors. Therefore, considering the stage of investigation and the gravity of the offence, this Court is not inclined to release the petitioner on bail. Accordingly, this Criminal Original Petition is **dismissed.**

26.05.2016

ajr/adl

Crl.O.P.No.11235 of 2016