



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

Wednesday, the Sixteenth day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice S.VAIDYANATHAN

CRL OP(MD) No.12992 of 2016

P.ALOY POOBALARAYER

... PETITIONER/ACCUSED NO.1

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, TUTICORIN DISTRICT.
(IN CRIME NO.14/2016)

... RESPONDENT/ COMPLAINANT

ESAKKI MUTHU

... INTERVENING PETITIONER/VICTIM

For Petitioner : M/S.A.S.VAIGUNTH, Advocate for
M/S.S.T.SASIDHARAN TAMILKANI Advocate

For Respondent : M/S.K.V.RAJARAJAN,
Government Advocate (Crl. Side)

For Intervenor : M/S.R.ANAND, Advocate

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 420 I.P.C., in Crime No.14 of 2016, on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel for the petitioner, learned counsel for intervenor and the learned Government Advocate (Crl. side) appearing for the respondent police.

3. The case of the prosecution is that the petitioner and other accused made false promise to get allotment of house site to Tsunami victims and collected a sum of Rs.60,00,000/- from more than 200 persons and cheated them.

4. The learned counsel for the petitioner submitted that the defacto complainant is also arrayed as accused and the petitioner



has collected only Rs.40,000/- from 16 persons and his liability is limited to that extend.

5.The learned Government Advocate (Crl.side) submitted that the earlier petition filed by the petitioner for anticipatory bail was dismissed.

6.Merely because the defacto complainant is arrayed as one of the accused, will not give any right to the accused/petitioner to commit a crime. Taking note of the fact that several lives as well as properties were lost in the Tsunami and the benefit of the scheme should reach the real victims and the accused have collected money from the public in order to avail such benefit and there is no change of circumstances subsequent to the dismissal of the earlier petition for anticipatory bail, this Court is not inclined to grant anticipatory bail to the petitioner and it is a fit case for custodial interrogation. Accordingly, this petition is dismissed.

sd/-

16/11/2016

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE NO.I, TUTICORIN, TUTICORIN DISTRICT.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4.THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, TUTICORIN DISTRICT.

CSL/SS-2/SAR-III/24.11.2016:2P/5C

ORDER
IN
CRL OP(MD) No.12992 of 2016
Date :16/11/2016