



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

Wednesday, the Seventeenth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13232 of 2016

1 GNANA SAVARIAMMAL @ BABY @
JOSEPHINE,
2 AMALA JOSEPH
3 ADAM JONES

... PETITIONERS / ACCUSED Nos.1to3

Vs

STATE REPRESENTED BY ITS THE INSPECTOR OF POLICE
CENTRAL CRIME BRANCH,
MADURAI CITY.
(CRIME NO. 15 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S C.VAKEESWARAN Advocate

For Respondent : Mr.P.Kannithevan, Govt. Advocate (Crl. Side)

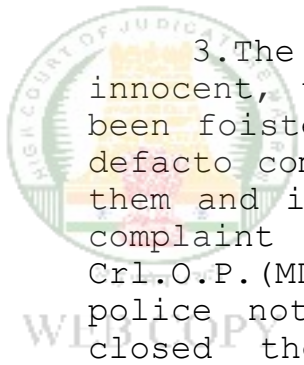
For Intervenor : Mr.M.Solaisamy

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 to 3, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 IPC, in Crime No.15 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the petitioners persuaded the defacto complainant and others to deposit money in the scheme for the welfare of the physically challenged children and they promised to allot individual house plots and they received a sum of Rs.37,06,500/- from the defacto complainant on various dates and also collected amount from others, totally, to the tune of Rs.1,22,31,500/-. They did not allot any land or repay the amount to the defacto complainant and others. When the defacto complainant and others demanded the amount, the petitioners insisted the defacto complainant and others to deposit further amount to help the physically challenged children to open the bank accounts and threatened the defacto complainant and others. On complaint, a case has been registered for the above said offences.



3.The case of the petitioners is that the petitioners are innocent, they have not committed any offence and a false case has been foisted against them. No such occurrence has taken place. The defacto complainant only received the money from others and cheated them and in order to get over his liability, he has given a false complaint against the petitioners. The first petitioner filed Crl.O.P.(MD).No.6344 of 2016, for a direction to the respondent police not to harass the petitioner. On 25.04.2016, this Court closed the same, recording the submission of the Assistant Commissioner of Police that the petition enquiry was conducted and closed.

4. The learned Government Advocate (Crl. Side) filed counter affidavit and submitted that the petitioners, on false promise of allotting house sites, received huge amounts from the defacto complainant and others to the tune of Rs.1,22,31,500/- and cheated the defacto complainant and others. Subsequently, they did not allot any house sites and repay the amount. The petition enquiry was not closed, but in advertence, it has been recorded that the enquiry was conducted and closed. The learned Government Advocate (Crl. Side) also submitted that a petition has been filed to recall the order dated 25.04.2016, made in Crl.O.P.(MD).No.6344 of 2016.

5.The learned counsel for the intervenor reiterated the allegations made in the complaint and submitted that the petitioners cheated the defacto complainant and others, after receiving amounts to the tune of Rs.1,22,31,500/- and did not allot the plot or did not return the amount.

6. Considered the rival submissions.

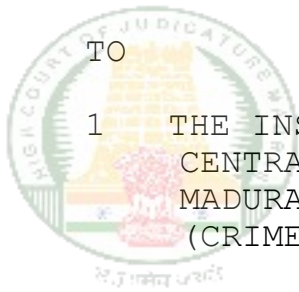
7. The petitioners on promising to arrange lands for nominal prices, which are allotted for the handicapped children, received a sum of Rs.37,06,500/-from the defacto complainant and Rs.85,25,000/-from others and cheated them. The contention of the learned Government Advocate(Crl. Side) is that the petition enquiry was pending and it was not closed, but inadvertence, the same was recorded as enquiry was conducted and closed. The respondent police filed a petition to recall the order passed in Crl.O.P.(MD).6344 of 2016 and the same is pending. Now, the case has been registered and the investigation is pending.

8. Considering the fact that the petitioners cheated the defacto complainant and others to the tune of Rs.1,22,31,500/- and investigation is still pending, this court is not inclined to grant anticipatory bail, and accordingly this petition is dismissed.

sd/-

17/08/2016

/ TRUE COPY /



TO

1 THE INSPECTOR OF POLICE
CENTRAL CRIME BRANCH,
MADURAI CITY.
(CRIME NO. 15 OF 2016)

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

+1. CC to M/S C.VAKEESWARAN Advocate SR.No.45177

JAM/DB/1.09.16/3p-4c

ORDER

IN

CRL OP(MD) No.13232 of 2016

Date :17/08/2016