



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

Wednesday, the Tenth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13689 of 2016

1 BOOMINATHAN,
2 EZLIL ARASI

... PETITIONERS/ACCUSED

Vs

THE INSPECTOR OF POLICE,
NAGAMALAI PUDUKOTTAI POLICE STATION,
MADURAI DISTRICT.
CR.NO. 402 OF 2016

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S.B.SARAVANAN, ADVOCATE
FOR RESPONDENT : Mr.P.KANNITHEVAN, 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, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 and 506(i) of IPC, in Crime No.402 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2. The case of the prosecution is that the *de-facto* complainant and her husband are the retired Teachers. They were interested to start a charitable institution for the poor people. While so, the first petitioner, who is the nephew of the *de-facto* complainant and the second petitioner, who is the husband of the first petitioner, approached the *de-facto* complainant by stating that they are running a Charitable Trust and there is some problem with regard to payment of tax with the Government. If the said problem is solved, they will get Rs.23 ½ Crores and requested the *de-facto* complainant to give money to solve the problem. After solving the problem, the petitioners agreed to sell the Trust to the *de-facto* complainant. On believing the same, the *de-facto* complainant gave Rs.39,34,884/- on various dates to the petitioners. Subsequently, the *de-facto* complainant came to know that the petitioners cheated her and



registered the Trust in their names. When the same was questioned by the *de-facto* complainant and her husband, the petitioners abused them in filthy language and also threatened to kill them. On complaint, a case has been registered for the offences stated above.

3. The case of the petitioners is that the *de-facto* complainant approached the petitioners to sell the Trust, for which, the petitioners refused. The petitioners did not receive any amount from the *de-facto* complainant or from her husband. There is no written agreement between the petitioners and the *de-facto* complainant. The petitioners are innocent persons and they have not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Criminal side) submitted that the first petitioner is the sister's son of the *de-facto* complainant. The petitioners promised to transfer the Trust in the name of the *de-facto* complainant and her husband, received a sum of Rs.39,34,884/- on various dates and subsequently, they cheated them. On receiving complaint, a case has been registered for the offences stated above and the investigation is pending.

5. Considering the serious nature of allegations made against the petitioners, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition is dismissed.

sd/-
10/08/2016

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

TO

1. THE INSPECTOR OF POLICE,
NAGAMALAI PUDUKOTTAI POLICE STATION,
MADURAI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.13689 of 2016
Date :10/08/2016

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TE/SK-SKN/SAR-III : 16/08/2016 : 2P/3C

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