



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

Thursday, the First day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1984 of 2018

1 N.MURUGAN
2 M.SATHYASEELA

... PETITIONERS/ACCUSED No.2 & 3

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
SATTUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.7/2018

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.S.ASHOK KUMAR, Senior Counsel for
M/S.S.RAMASAMY, Advocate

For Respondent : M/S.A.ROBINSON, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

Reserved on : 26.02.2018
Delivered on : 01.03.2018

The petitioners, who are arrayed as Accused Nos.2 and 3, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 465, 468, 471 r/w.149 IPC, in Crime No.7 of 2018 and hence, seek anticipatory bail.

2.The case of the prosecution is that previous to the alleged occurrence, the defacto complainant's son by name, Karuppasamy applied for the post of Assistant Public Relation Officer. After seeing the application sent by the defacto complainant's son, the first accused, who is working as a Public Relation Officer at Chennai, contacted the defacto complainant through his mobile phone by informing him that he will arrange the abovesaid post for his son and demanded a sum of Rs.40,00,000/- from him. Based on assurance given by him, the defacto complainant



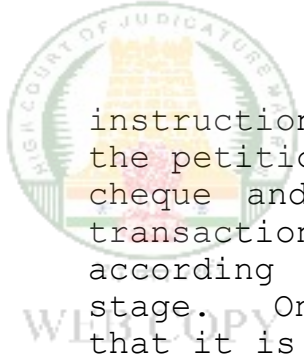
transferred a sum of Rs.13,75,000/- to the account of the petitioners/A2 and A3. Subsequently, the remaining amount was transferred to the account of A4 and A5. After completing all transactions, the first accused gave a fake appointment order. Hence, a case has been registered for the offences stated above.

WEB COPY

3.The learned Senior Counsel appearing for the petitioners submitted that the petitioners/A2 and A3 are husband and wife. The first petitioner herein is working as Secretary in Housing Society at Kamaiyangoundenpatti, Theni and he used to lending money to the needy persons on commission basis. A1 in this case requested the first petitioner for a loan of Rs.14,00,000/- for his friend, namely, Senthilkumar. Accordingly, the first petitioner/A2 has given a sum of Rs.14,00,000/- to A1. Subsequently, the said Senthilkumar had given a cheque for a sum of Rs.10,00,000/- and thereafter, the first petitioner presented the said cheque in his bank on 01.08.2016 and the same was dishonoured. Thereafter, the first petitioner intimated the same to the said Senthilkumar. Subsequently, a sum of Rs.13,75,000/- was transferred to the account of the petitioners herein. He further submitted that A1 and A5 alone demanded a sum of Rs.40,00,000/- from the defacto complainant. A1 only asked the defacto complainant to transfer the amount in the account of the petitioners herein and in fact, the petitioners herein thought that the amount transferred in their accounts is for the due payable by A1 to them. He also submitted that the petitioners are innocents and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal side) appearing for the State submitted that totally there are six accused in this case. The petitioners herein are arrayed as A2 and A3. They had received a sum of Rs.13,75,000/- from the de-facto complainant for getting a Government job to the son of the defacto complainant. He also submitted that the investigation is in progress.

5.The submissions made by the learned counsel on either side are considered. The respondent police has registered the case against 6 persons, in which, the petitioners are arrayed as A2 and A3. Admittedly, the first accused viz., Selvam @ Chellapandiyan is working as a Public Relation Officer at Chennai. The allegations levelled against the accused herein are prior to the alleged transaction. The first accused in this case made a promise to the defacto complainant that he would make arrangements for providing the job of Public Relation Officer to his son subject to payment of Rs.40,00,000/- by the defacto complainant. Believing the words of the first accused and as per the instruction given by him, the defacto complainant transferred a sum of Rs.13,75,000/- to the bank accounts stand in the name of the petitioners herein. Now, according to the petitioners, only in a way of repaying the loan availed by A1 for his friend, the defacto complainant after getting



instruction from A1, transferred Rs.13,75,000/- in the account of the petitioners. Further, at the time of availing loan, A1 issued a cheque and the same was dishonoured and then only, the alleged transaction as mentioned in the complaint took place. Now, according to the prosecution, the investigation is at the initial stage. On culminating the entire facts and circumstances reveal that it is necessary to identify whether the amount deposited by the defacto complainant in favour of the petitioners herein is for getting a job of Public Relation Officer for his son or for settling the loan availed by A1 for his friend. Since the investigation is at initial stage, if the petitioners are granted with anticipatory bail, there may be a chance for tampering the witnesses and hampering the investigation. The real idea for the alleged offences will be identified only after securing A1. Since A1 in this case is not yet arrested, the investigation is not completed.

In the above circumstances, this Court is not satisfied with the reasons stated by the petitioners. Accordingly, this Criminal Original Petition is dismissed.

sd/-
01/03/2018

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE,
SATTUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.S.RAMASAMY Advocate SR.No.3356

ORDER
IN
CRL OP(MD) No.1984 of 2018
Date :01/03/2018

PK/CSL/SAR-3/06.03.2018 : 3P/4C