



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

Wednesday, the Seventeenth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.493 of 2018

1 N. MURUGAN

2 M. SATHYASEELA

... PETITIONERS / ACCUSED Nos.2 & 3

Vs

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

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.S.RAMASAMY Advocate

For Respondent : Mr.A.ROBINSON, Govt. Advocate (Crl. Side)

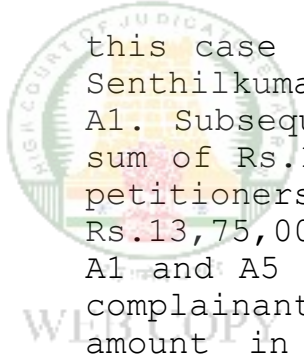
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A2 and A3, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 420, 465, 468, 471 and 149 I.P.C., in Crime No.7 of 2018 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant's son has applied for the post of Assistant Public Relation Officer. After seeing application, the first accused, who is working as a Public Relation Officer at Chennai, contacted the defacto complainant through his phone by informing him that he will arrange for the said post, for that, he demanded a sum of Rs.40,00,000/- from the defacto complainant. Based on his promise, the defacto complainant transferred a sum of Rs.13,75,000/- to the account of the petitioners/accused persons. 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, the defacto complainant lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioners submitted that the A2 and A3 are husband and wife. A2 herein is working as Secretary in Housing Society at Kamaiyangoundenpatti, Theni, he used to lending money to the needy persons on commission basis. A1 in



this case demanded a sum of Rs.14,00,000/- for his friend, namely, Senthilkumaran. Accordingly, A2 has given a sum of Rs.14,00,000/- to A1. Subsequently, the said Senthilkumaran has given a cheque for a sum of Rs.10,00,000/-, but the same was dishonored. Thereafter, the petitioners herein intimated the same to A1, after that a sum of Rs.13,75,000/- transferred to A2 account. 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, in fact the petitioners thought that the amount transferred in their account for the due of the A1 to the petitioners herein. The petitioners never known the defacto complainant in this case 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) 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 defacto complainant for getting him a Government job. According to him, investigation is not completed.

5.The submissions made by the learned counsel on either side are considered. The petitioners herein are arrayed as A2 and A3 in this case. According to prosecution, it is alleged that during the time of occurrence, based on the information given by the first accused, the defacto complainant transferred a sum of Rs.13,75,000/- to the account of the A2 in order to get an appointment order. Subsequently, the remaining amount was transferred to the account of A4 and A5 in this case. After completing all transactions, the first petitioner gave a fake appointment order to the defacto complainant. These petitioners have colluded with the other accused and committed this offence. Now, the amount which was transferred to the account of these petitioners and other two accused, were not recovered. According to prosecution, investigation is not completed. Therefore, without recovering the said amount, investigation in this case cannot be completed. So, custodial interrogation of the petitioners is necessary for completing the investigation. Hence, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition is dismissed.

sd/-
17/01/2018

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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.842

JAM/24/01/2018/CM-VR/ SAR 1 / 2P-4C

ORDER

IN

CRL OP (MD) No.493 of 2018

Date :17/01/2018