



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

Friday, the Twelfth day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.574 of 2018

SYED MOHAMED

... PETITIONER/ACCUSED No.9

Vs

1 STATE THROUGH
THE INSPECTOR OF POLICE
KALAKKADU POLICE STATION,
TIRUNELVELI DISTRICT
(CRIME NO.462/2017)

...1st RESPONDENT/COMPLAINANT

2 JOHN PUSHPARAJ, ...2nd RESPONDENT/DEFACTO COMPLAINANT

For Petitioner : M/S.S.A.G.GANAPATHYRAMAN Advocate

For Respondent : MR.A.RABINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/A9, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 120(b), 406, 420, 506(ii) and 294 I.P.C., in Crime No.462 of 2017, seeking relief to grant of anticipatory bail.

2.The case of the prosecution is that while dealing with money transaction in foreign exchange, the petitioner along with other accused have cheated a sum of Rs.2 crores.

3.The learned counsel appearing for the petitioner submitted that some persons got money through foreign exchange and at the time of giving confession by another one accused, the petitioner's name has been falsely implicated in this case. The petitioner herein has not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.side) submitted that there are totally nine accused in this case, in which, the petitioner herein is arrayed as A9. So far, a sum of Rs.74 lakhs alone has been recovered from the accused. He further submitted that the respondent police have to enquire that whether the petitioner is



involved in any other case in similar nature. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. The submissions made by the learned counsel on either side disclose that initially, the case was registered for the offence under Sections 294(b), 506(ii) I.P.C., subsequently it was altered into Sections 294, 406, 420, 120(b) and 506(ii) I.P.C., According to prosecution, during the time of occurrence, the petitioner and other accused defrauded a sum of Rs.2 crores from various persons. The petitioner is the prime accused. Hence, custodial interrogation of the petitioner is necessary for identifying the entire facts of the case. Furthermore, the entire defrauded amount has not yet been recovered and only a sum of Rs.74 lakhs has been recovered.

6. For the reasons stated above, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
12/01/2018

/ TRUE COPY /

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

TO

1 THE INSPECTOR OF POLICE
KALAKKADU POLICE STATION, TIRUNELVELI DISTRICT

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

+1. CC to M/S.S.A.G.GANAPATHYRAMAN Advocate SR.No.878

ORDER
IN
CRL OP(MD) No.574 of 2018
Date :12/01/2018

SMA/CM-VR/SAR-4/19.01.2018:2P/4c