



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

Wednesday, the Seventeenth day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.688 of 2018

1 AYYAVU THEVAR @ KUMARTHEVAR

2 BETHU

... PETITIONERS/ACCUSED No.1 and 2

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
SAPTUR POLICE STATION,
MADURAI DISTRICT,
IN CRIME NO. 9 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.L.PRAVEEN KUMAR 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 petitioners/A1 and A2, who apprehend arrest at the hands of the respondent Police for the offences under Sections 406, 420 and 506(i) I.P.C., in Crime No.9 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant had paid a sum of Rs.6,50,000/- (Rupees Six Lakhs and Fifty Thousand only) to the first accused for purchasing the gold at cheaper rate, but the first accused after receiving the amount neither give any gold to the defacto complainant nor return the money to him. When the defacto complainant demanded the first accused to give gold or to return the money to him, all the accused threatened the defacto complainant with dire consequences. Hence, the defacto complainant lodged a complaint against the petitioners and other co-accused before the respondent police.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners have not committed any offence as alleged by the prosecution and they were no way connected with the offences, and pleads for grant of anticipatory bail to the petitioners.



4.The learned Government Advocate (Criminal Side) submitted that A1 received a sum of Rs.6,50,000/- from the defacto complainant. He further submitted that there are 28 cases similar type of cases are pending against the first petitioner/A1. According to him, investigation is not completed.

5.Considering the submissions made by the learned counsel on either side, it seems that the offences under Sections 406, 420 and 506(i) IPC., has been registered against the petitioners. According to prosecution, it is alleged that during the time of occurrence, the first petitioner/A1 along with help of the second petitioner/A2 had received a sum of Rs.6,50,000/- from the defacto complainant, after making false promise as gold will be provided at lesser price. After receiving the said amount, promise made by the petitioners were not fulfilled. Further, the amount which was paid by the defacto complainant has not been recovered so far. Furthermore, the first petitioner herein is having 28 previous cases for similar type of offences and all the cases were registered by the respondent police. Hence, custodial interrogation of the petitioners is necessary for completing the investigation. Considering the facts of the case, if this type of petitioners are released on anticipatory bail, they may tamper the witness and hamper the investigation.

6.For the reasons stated above, 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
SAPTUR POLICE STATION, MADURAI DISTRICT

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

+1. CC to M/S.L.PRAVEEN KUMAR Advocate SR.No.832

ORDER

IN

CRL OP(MD) No.688 of 2018

Date :17/01/2018