



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.741 of 2018**

S.VENKATESAN

... PETITIONER/ACCUSED No.5

Vs

THE STATE REPRESENTED BY,  
THE SUB INSPECTOR OF POLICE,  
S.S.COLONY POLICE STATION,  
MADURAI DISTRICT.  
(CRIME NO.1461 OF 2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.A.K.HEMARAJ Advocate

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

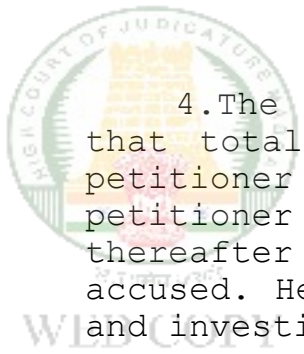
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/A5, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 420, 406 and 120(b) of IPC in Crime No.1461 of 2016, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that on 09.05.2015, based on the instructions given by the petitioner/A5, the defacto complainant and his brother's wife gave a sum of Rs.3,00,000/- (Rupees three lakhs only) each to A1 for constructing the houses to them. But, the petitioner and other accused persons had neither constructed a house nor repaid the amount to them. Hence, the defacto complainant lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is working as a Manager in Subhiksha Promoters run by the A1 to A4. He has been falsely implicated as A5, without any reasons. He further more submitted that the petitioner had not at all received any money from the defacto complainant and his brother's wife. Hence, he prays for anticipatory bail.



4.The learned Government Advocate (Criminal Side) submitted that totally there are five accused in this case, in which, the petitioner herein is arrayed as A5. He further submitted that the petitioner gave a bogus letter pad in the name of the company and thereafter a sum of Rs.6,00,000/- has been cheated by the other accused. He further submitted that no one was arrested in this case and investigation is not completed.

5.Considering the submissions made by the learned counsel on either side, it disclose that the offence under sections 420, 406 and 120(b) of IPC in Crime No.1461 of 2016, has been registered against the petitioner. According to prosecution, it is alleged that during the time of occurrence, the petitioner herein gave a bogus letter pad in the name of company and thereafter the other accused persons in this case received a sum of Rs.6,00,000/- from the defacto complainant and others. So far other accused in this case are not arrested. Further, the amount which was paid by the defacto complainant, has not yet been recovered. Hence, for the offence under sections 420, 406 and 120(b) of IPC., recovery of the misappropriated amount is a crucial area of investigation, for which, custodial interrogation is necessary. Hence, this Court is not inclined to grant anticipatory bail to the petitioner. 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 SUB INSPECTOR OF POLICE,  
S.S.COLONY POLICE STATION,  
MADURAI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1. CC to M/S.A.K.HEMARAJ Advocate SR.No.855

ORDER  
IN  
CRL OP(MD) No.741 of 2018  
Date :17/01/2018