



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

Wednesday, the Fourth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) No.9679 of 2018

ESSAKKIMUTHU

... PETITIONER / ACCUSED No.3

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
SIVAKASI EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT.
Crime No. 315 of 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr. A. THIRUVADIKUMAR Advocate

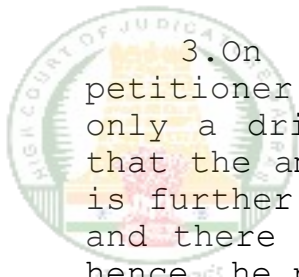
For Respondent : Mr.M.CHANDRASEKARAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Section 420 of I.P.C. in Crime No.315 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant was introduced to the accused through Sub-Inspector of Police (Ramraj) and the accused A1 and the defacto complainant become friends. A1 claimed to own a Super Market in Madurai and he was constructing an apartment consisting of 350 flats and A1 informed the defacto complainant that there was a fire accident in his company and three persons expired in that accident and he has to pay a compensation of Rs.One Crore and Fifty Lakhs, for which he has mortgaged 350 sovereigns of gold and that he need money, he approached the defacto complainant. The defacto complainant obtained a loan of Rs.30,00,000/- (Rupees Thirty Lakhs Only) to A1 by borrowing from others. It is stated that the petitioner/ A3 cheated the defacto complainant and a case has been registered against the petitioner.



3. On the side of the petitioner, it is stated that the petitioner is no way connected with the offence, the petitioner is only a driver of A1, the only overtact against the petitioner is that the amount of Rupees Thirty Lakhs was given in his presence. It is further stated that A1 in this case was already released on bail and there is no allegation that the driver received any amount and hence, he prayed to be released on bail.

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4. On the side of the respondent, it is stated that A1 approached the defacto complainant stating that he has to pay some compensation for victims of a fire accident in his factory, the defacto complainant paid Rupees Thirty Lakhs and 10 Sovereigns of gold. A1 was released on bail only after being in custody for a certain period and that there are two more cases against this petitioner in Crime No. 238 of 2018 and a case in Crime No. 92 of 2018, Thiruthangal Police Station and that custodial interrogation is necessary, objected this petition.

5. Records perused. The offence is severe in nature and the amount involved is huge, investigation is still pending, it is stated that custodial interrogation is necessary. In these circumstances, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
04/07/2018

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

TO

1. THE INSPECTOR OF POLICE
SIVAKASI EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No. 9679 of 2018
Date : 04/07/2018

TK/MMS/VK/19.07.2018/2P-3C