



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

( Criminal Jurisdiction )

Date : 07/06/2019

WEB COPY

PRESENT

**The Hon`ble Mr.Justice P.RAJAMANICKAM**

CRL OP(MD). No.7351 of 2019

A.Moorthy @ manthirammoorthy ... Petitioner/Accused No.1

Vs

State through  
The Inspector of Police,  
City Crime Branch,  
Tirunelveli District  
Crime No. 12 of 2019

... Respondent/Complainant

For Petitioner : Mr.Prabhu Rajadurai  
for Mr.T.Lenin Kumar

For Respondent : V.Neelakandan,  
Additional Public Prosecutor

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

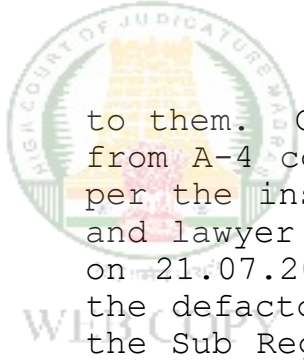
PRAYER :-

For Anticipatory Bail in Crime No. 12 of 2019 on the file of the respondent police.

**ORDER :** The Court made the following order :-

This petition has been filed by the accused No.1 seeking anticipatory bail for the alleged offences punishable under Sections 418, 420, 465 and 468 I.P.C.

2.The case of the prosecution is that the defacto complainant is conducting gems and jewels business in the name and style of 'Arihand Gold' at Mumbai and hardly looking for a loan for their business expansion. While so, through a paper advertisement, he came to know that a Company by name 'All in World Corp.,' is providing loan facilities. As per the contact number provided in the advertisement, he contacted A-4 Aiswarya over phone. Based upon her information, the defacto complainant approached A-5 Micheal and A-6 Salman at Chennai and handed over the profile of their Company



to them. On 12.07.2018, the defacto complainant has received a mail from A-4 confirming the sanction of loan of Rs.20 crores and as per the instructions, the defacto complainant along with his father and lawyer came to Tirunelveli and they have met A-1 and A-5 to A-8 on 21.07.2018. As per the instructions of the aforesaid persons, the defacto complainant executed a promissory note on 31.08.2018 at the Sub Registrar Office at Alangulam and paid a sum of Rs.10 lakhs under the table charges and also paid a sum of Rs.40 lakhs to A-5 in the presence of others for commission. Later, the accused have not disbursed the loan amount and cheated the complainant to the tune of Rs.50 lakhs.

3.The learned counsel for the petitioner has submitted that it is only A-2 Balasubramanian had made advertisement in the Times of India, Mumbai, stating that he will arrange loan. He further submitted that the petitioner has not directly involved in the said transaction and he only acted as middle man between A-2 and the defacto complainant. He further submitted that even in the F.I.R, it is not stated that the defacto complainant has paid any amount to the petitioner herein and also he has made any promise that he will arrange for loan. He further submitted that already A-2-Balasubramanian has paid a sum of Rs.10 lakhs to the defacto complainant. He further submitted that even though the petitioner is not directly involved in the aforesaid crime, he is ready to settle the matter and since the aforesaid cases are pending, the Police are searching him for arrest, he could not go to his native place and meet his friends to make arrangements for money and if the petitioner is granted anticipatory bail, he will make arrangements for settling the matter. Therefore, he prayed to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the State has submitted that the petitioner is not an ordinary person and he is running a Finance. He further submitted that already, one case is pending for trial and 4 cases are pending against the petitioner under the investigation stage and 3 cases are pending for enquiry. He further submitted that the petitioner used to meet the parties by taking rooms in Star Hotels and lured the innocent people and extracted money by giving false promise that he will make arrangements for loan and thereafter, he will not make any arrangement for loan. He further submitted that in this case, the petitioner has received Rs.10 lakhs under table charges and Rs.40 lakhs towards commission and also obtained signatures in the promissory note from the defacto complainant. He further submitted that custodial interrogation is absolutely necessary and therefore, he prayed to dismiss the petition.

5.Taking into consideration the allegations made against the petitioner that the petitioner and other accused have received a sum of Rs.10 lakhs under the head of table charges and Rs.40 lakhs towards commission from the defacto complainant and thereafter, they have not made any arrangements for providing loan to the defacto



complainant and also the fact that already, one case is pending at trial stage from the year 2008 and 4 cases are pending at F.I.R stage and 3 cases are pending at enquiry stage and also the submission made by the learned Additional Public Prosecutor that custodial interrogation of the petitioner is absolutely necessary, this Court is of the view that the petitioner has not made out a case for getting anticipatory bail. Hence, this Criminal Original Petition is liable to be dismissed.

6. Accordingly, this Criminal Original Petition is dismissed.

sd/-  
07/06/2019

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

TO

1. The Inspector of Police,  
City Crime Branch,  
Tirunelveli District

2. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.T.LENIN KUMAR, Advocate ( SR-9250[I] dated 07/06/2019)

ORDER  
IN  
CRL OP(MD) No.7351 of 2019  
Date : 07/06/2019

VS  
TK/SAR.2/12.06.2019/3P/4C