



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

Wednesday, the Thirtieth day of January Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.854 of 2019

MANIVANNAN

... PETITIONER / ACCUSED NO.1

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
MAMSAPURAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO. 9/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.D.FARJANA GHOUSHIA Advocate
for Mr.G.MARIAPPAN, Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI Govt. Advocate
(Crl. Side)

For Intervener : Mr.A.THIRUVADI KUMAR, Advocate

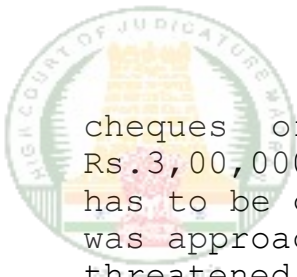
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

[Orders Reserved on 25.01.2019]

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420 and 506(i) of IPC., in Crime No.9 of 2019, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant, who is an Engineering Graduate, had approached the first accused, who is known to his parents for more than 30 years, who had introduced A2, who was residing in Chennai, who claimed that he could secure a job in Tamil Nadu Electricity Board, by getting pass marks to the petitioner, in the Entrance Examination scheduled to be held by TNEB and received a sum of Rs.13,00,000/- for the same. The defacto complainant and his mother, believing the same, had handed over Rs.13,00,000/- to the accused, in three instalments, in cash, in the presence of one Supramanian and Ramamurthy. However, neither the job was arranged, as promised, nor money was returned. After several representations, A2 / Muthiah had handed over two



cheques of State Bank of India of Srivilliputhur Branch for Rs.3,00,000/- and Rs.2.25,000/- and stated that the balance amount has to be got from A1, the petitioner herein. When the first accused was approached, he not only refused to hand over the money, but also threatened him with dire consequences. Hence, the complaint.

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3. The contention of the learned counsel appearing for the petitioner is that the above alleged transactions is of the year 2016. The petitioner had filed a petition seeking anticipatory bail in Crime No. 'Not Known' of 2018, in CrI.O.P.(MD)No.20172 of 2018, wherein the respondent had submitted that no case is pending against the petitioner. Hence, the petition was closed on 02.11.2018. Thereafter, the petitioner was called for enquiry initiated by the respondent police and was harassed by them. In the meanwhile, on 05.01.2018, the petitioner had sent a legal Notice, wherein he had stated that he had earlier sent a representation on 26.10.2018 and continue their harassment against the petitioner. On receipt of the notice, a case was registered by the respondent Police on 12.01.2018 against the petitioner. Therefore, the petitioner filed a Contempt Petition in Cont.P.(MD)No.59 of 2019.

4. The learned Government Advocate (crl.side) appearing for the State would submit that the petitioner had cheated the widowed lady and her son, by making a false promise and extracted an amount of Rs.13,00,000/-, which money, the defacto complainant and her mother had mobilized by loans and it is in the nature of job rocketing. The petitioner and the other accused had taking advantage of the pitiable situation of the petitioner, cheated them. The custodial interrogation of the petitioner is necessary to trace out the money and recovered from the petitioner. Hence, he strongly objected to for grant of anticipatory bail to the petitioner.

5. This Court could see that the defacto complainant had lost the money of Rs.13,00,000/- and the second accused had made part payment during September 2018. Thereafter, the balance amount of Rs.7,75,000/- have not been re-paid and that the defacto complainant had taken all reasonable steps to recover the money lost, by legal means,. The petitioner, whenever was called for preliminary enquiry, had been filing anticipatory bail petition before this Court and had not co-operated with the investigation, but had taken a defence by sending a representation as though the second accused and the defacto complainant had joined together and implicated the petitioner. In fact, the petitioner had been cheated to the tune of Rs.2,00,000/-, as though the petitioner had given the same to A2, for securing a job for himself at Singapore. Obviously, this seems to be the explanation and defence for the transaction between the petitioner and the said Muthiah.

6. Considering the above facts and circumstances of the case and also considering the fact that the innocent persons viz., the defacto complainant and her widowed mother have been cheated in the nature of job rocketing, by the accused, this Court is not inclined



to grant anticipatory bail to the petitioner. Hence, this Criminal Original Petition stands dismissed.

sd/-
30/01/2019

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

TO

1 THE INSPECTOR OF POLICE
MAMSAPURAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to Mr.G.MARIAPPAN Advocate SR.No.1721

+1. CC to Mr.A.THIRUVADI KUMAR Advocate SR.No.1985

PS/JC/SAR-3/14.02.2019/2P/5C

ORDER
IN
CRL OP(MD) No.854 of 2019
Date :30/01/2019