



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

Date : 15/07/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.5011 of 2019

S.Kamaraj

... Petitioner/Accused

Vs

The Sub Inspector of Police (Crime),
K.Pudur Police Station,
Madurai District,
In Crime No.288 of 2019.

... Respondent/Complainant

P.Rajesh

... Petitioner/Intervener/
Defacto Complainant
in Crl.MP (MD) No.3456/2019

For Petitioner : M/s.P.Gunasekaran,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

For Intervener : Mr.L.Shaji Chellam
Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.288 of 2019 on the file of
the Respondent Police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 406,
420 and 422 of IPC in Crime No.288 of 2019, seeks anticipatory bail.

2. Heard both sides.

3. The learned counsel appearing for the petitioner has
submitted that as per the FIR, the defacto complainant has conducted
unregistered chit in which the petitioner has joined as one of the
subscribers and he was the successful bidder on 18.11.2015 and took



a sum of Rs.1,45,500/- and subsequently the petitioner has not paid the subscription amount and the total amount to be paid by the petitioner is Rs.86,100/-. He further submitted that since the defacto complainant has criminally intimidated the petitioner to pay aforesaid amount, the petitioner has already lodged a complaint before the respondent police on 17.03.2019 and subsequently the matter was compromised and the defacto complainant has agreed to receive a sum of Rs.47,000/- in three monthly installments. But, subsequently as against the said compromise, the defacto complainant has lodged a false complaint claiming that the petitioner has to pay a sum of Rs.86,100/-. He further submitted that the said money transaction pertains to civil matter, the section 420 will not attract and therefore, he prayed for grant of anticipatory bail to the petitioner.

4.The learned counsel appearing for the intervener/defacto complainant has submitted that the defacto complainant was running a chit along with 30 members for Rs.3,00,000/- and the petitioner has also joined as one of the subscribers. He further submitted that on 18.11.2015, the petitioner became successful bidder and he took the said chit for Rs.1,45,500/- and thereafter he did not pay the subscription and hence a sum of Rs.86,100/- is due from the petitioner. He further submitted that since the petitioner did not pay the said amount, the defacto complainant is not able to pay the amount to the other subscribers and hence, he demanded the petitioner to pay the aforesaid amount but instead of paying the said amount, the petitioner lodged a false complaint against the defacto complainant stating that the defacto complainant criminally intimidated him. He further submitted that the police made an enquiry on the said complaint and at that time, the petitioner has stated that he will pay only a sum of Rs.47,000/- and that too in three monthly installments and for that the defacto complainant has not agreed and police has closed the said complaint. He further submitted that since after taking the amount belongs to 30 subscribers the petitioner failed to repay the amount as per the undertaking given by him, the provisions of Sections 420 and 422 of IPC will attract and therefore, he strongly opposed this petition.

5.The learned Additional public prosecutor has adopted the arguments advanced by the learned counsel for the intervener/defacto complainant. He further submitted that after filing this petition, the FIR has been registered. He further submitted that for investigation purpose the custodial interrogation of the petitioner is absolutely necessary and hence, he also opposed this petition.

6.It is seen from the complaint given by the petitioner that on 17.03.2019 and also the statement given by him before the respondent police on 18.03.2019, he has admitted that he took chit and he agreed to pay a sum of Rs.47,000/-. It further shows that he is liable to pay the said amount to the defacto complainant, since the said chit has been conducted by the defacto complainant along with 30 members.



Since the petitioner did not pay the amount regularly, the defacto complainant could not pay it to the other subscribers. The conduct of the petitioner would show that from the very beginning he has acted with an intention to cheat the defacto complainant and also the other members. Hence, this Court is not inclined to grant bail to the petitioner. Accordingly, this petition is dismissed.

sd/-
15/07/2019

/ TRUE COPY /

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

TO

1. THE SUB INSPECTOR OF POLICE (CRIME),
K. PUDUR POLICE STATION,
MADURAI DISTRICT,

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

+1 CC to M/s. L. SHAJICHELLAN, Advocate in SR-11738

ORDER
IN
CRL OP (MD) No. 5011 of 2019
Date : 15/07/2019

vsg
PK/VR/SAR-3/24.07.2019 : 3P/4C