



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

Friday, the Eighth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.19720 of 2018

1 S.KUBERAN DAVIDRAJ

2 N.SELVAN JEBARAJ

3 JASON THOMAS

... PETITIONERS / ACCUSED
RANK A2,A1 AND A3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THOOTHUKUDI DISTRICT.
CRIME NO.28/2018

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.B.N.RAJA MOHAMED, Advocate

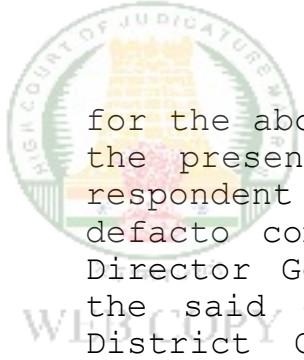
For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners/A2,A1 and A3, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 420 IPC., in Crime No.28 of 2018 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant, namely, Anil Marangoly Thomas doing business at Trivandram in the name and style of MEM Projects Pvt. Ltd., and he was introduced to one Selvan and Kuberan by his business associate Jason Thomas. The petitioners approached the defacto complainant in the month of February, 2018 and informed him that they want to increase their steel production for which they requested the business association of the defacto complainant. Believing the sugar quoted words, the defacto complainant purchased large number of scrap steel on behalf of the petitioners' Company, viz., TABGHA Rolling Mills Private Limited. The first shipment was exported by 9th March, 2018 and the said scrap steel was purchased from one Jebel Ali, United Arab Emirates, as a result, nine shipments of scrap steels were delivered to petitioner company to the tune of Rs.1,46,06,486.40/-. Since the petitioners are not clear about the dues and give evasive reply



for the above payment of the said due, the defacto complainant filed the present complaint before the respondent police. However, the respondent police did not take the complaint on file. Hence, the defacto complainant was constrained to file the complaint to the Director General of Police on 10.10.2018 through ADGP, thereafter the said complaint was transferred to the Inspector of Police, District Crime Branch, Thoothukudi. Accordingly, the case was registered against the petitioners.

3. Heard the learned counsel for the petitioners, the learned Government Advocate (Criminal side) for the State and perused the records.

4. The learned counsel for the petitioners would submit that the defacto complainant is the Trivandram based businessman. He requested the petitioners to purchase some property in Tuticorin. Accordingly, the petitioners purchased the property in the name of the defacto complainant for which they accepted some commission from the defacto complainant. However, he refused to pay the amount and in order to wreck vengeance, the case was foisted against them.

5. The learned Government Advocate (Criminal side) appearing for the respondent would submit that the investigation is pending.

6. From the records, it is clear that 9 shipments were delivered in favour of the petitioners company and the proof is also available in the case records. Considering the facts and circumstances of the case and since the amount involved in the business transaction is huge, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition is dismissed.

sd/-

08/02/2019

/ TRUE COPY /

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

TO

1. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, THOOTHUKUDI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.19720 of 2018

Date :08/02/2019