

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.06.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.8734 of 2020

M.SIVAKUMAR

... Petitioner/A5

Vs.

State Rep. by
THE DEPUTY SUPERINTENDENT OF POLICE,
EOW, Head Quarters,
Chennai.
Crime No.6 of 2019

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest
in Crime No.6 of 2019 on the file of the respondent police.

For Petitioner : Mr.R.Krishnakumar

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

The petitioner who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections
409,420,120B IPC and Section 5 of the Protection of interest of
Depositors (in Financial Establishments) Act 1997 in Crime No.6 of
2019 seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other
accused persons collected a sum of Rs.60,000/- from the defacto
complainant on doubling the amount within 100 days. He neither
returned the money and refused to repay the amount. Hence, the
complaint.

3. The learned counsel for the petitioner would submit that the
petitioner is an innocent person and he has not committed any offence
as alleged by the prosecution. Therefore, he prays to grant
anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the
petitioner and other accused persons collected a sum of Rs.60,000/-
from the defacto complainant on doubling the amount within 100 days.
He further submitted that they totally collected a sum of
Rs.7,60,00,000/- (Rupees Seven Crore Sixty lakh only) from 186
victims including the defacto complainant. Hence, he vehemently
opposed to grant anticipatory bail to the petitioner.

5. The learned counsel for the Intervenor submitted that the petitioner collected a sum of Rs.60,000/- from the defacto complainant at the interest of 2 % per Rs.100/-. However, he received only a sum of Rs.8,000/- in the month of September 2019. Thereafter, the petitioner did not gave any interest amount as assured by him and refused to repay the received amount. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

6. Considering the above facts and circumstances, and that the petitioner involved in a very serious offence, this Court is not inclined to grant anticipatory bail to the petitioner. When this Court is about to dismiss this petition, the learned Counsel for the petitioner seeks permission of this Court to withdraw the petition.

7. In view of the submissions made by the learned counsel for the petitioner, the petition is dismissed as withdrawn.

-sd/-

24/06/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE DEPUTY SUPERINTENDENT OF POLICE,
EOW HEAD QUARTERS,
CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.R.KRISHNAKUMAR Advocate on payment of necessary charges

CRL OP.8734/2020

Date :24/06/2020

cs 24/07/2020