

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 14816 of 2020

and Crl.M.P.No.6055 of 2020

Saravanan

... Petitioner/Accused

Vs.

The State represented by,
The Inspector of Police,
Gudiyatham Taluk Police Station,
Vellore District.
[Crime No.59 of 2020]

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No.59 of 2020, on the file of the respondent police.

For Petitioner : Mr.T.Arul

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

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 420 of IPC, in Crime No.59 of 2020, on the file of the respondent, seeks anticipatory bail.

2 The case of the prosecution as per the defacto complainant Mathaiyan is that he is running a lodge and Electronics showroom. One Saravanan used to stay in his lodge often and he got introduced with the defacto complainant and later he had informed that he will be able to purchase gold for lesser price and thereby in he had introduced one Karthik of Chennai having Mobile No.7987195304 to the defacto complainant. When the defacto complainant had contacted the said Karthik, he had induced him saying that he will be able to give 1 kg gold for Rs.25 lakhs. Believing him, the defacto complainant had mortgaged his jewels and arranged an amount of Rs.24,50,000/-. Thereafter, the said Karthik had told him that he will send one Kumar along with the gold and also given his number. On 31.01.2020, the defacto complainant had gone to Gudiyattam and met the said Kumar and handed over the amount and he had given 1 kg of gold coins. At that time, two other persons had come there and attempted to kidnap the said Kumar and thereafter, escaped from the scene of occurrence along

with the said Kumar by dropping the gold coins. Later he found that the gold coins were spurious/fake ones and thereby, the accused have cheated the defacto complainant.

3 The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that even as per the FIR, the allegations against the petitioner is that he introduced the defacto complainant to A2 and other than that he has no role in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4 The learned Additional Public Prosecutor submitted that the petitioner is the main person who has induced the defacto complainant and introduced him to the other two accused. The other two accused on the false assurance of giving gold coins, received an amount of Rs.24,50,000/- and had given spurious/fake gold coins. He would further submit that when the gold coins were to be handed over to the defacto complainant, they created a drama as if the accused Kumar was apprehended by the police and they left the fake gold coins and escaped from the scene of occurrence after taking cash of Rs.24,50,000/-. The accused had conspired and colluded together and cheated the defacto complainant in an organized manner. He would submit that the cash of Rs.24,50,000/- is yet to be recovered and that the custodial interrogation of the petitioner is very much essential. Hence, he vehemently opposed for grant of anticipatory bail.

5 The learned intervener would submit that only on the inducement and introduction by the petitioner, the defacto complainant met A2 and A3 and that the accused in a planned and organized manner have cheated the defacto complainant. He would submit that the defacto complainant has lost Rs.24,50,000/-. Hence, he vehemently opposed for grant of anticipatory bail.

6 Taking into consideration that the accused have acted in an organised manner and cheated the defacto complainant and that the alleged amount is yet to be recovered for which, the custodial interrogation of the petitioner is stated to be essential, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Criminal Miscellaneous Petition is closed.

-sd/-

16/10/2020

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 INSPECTOR OF POLICE,
GUDIYATHAM TALUK POLICE STATION,
VELLORE DISTRICT.

CC to M/S.T.ARUL Advocate on payment of necessary charges

CRL OP.14816/2020

Date :16/10/2020

RVR 23/10/2020



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