

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.17389 of 2020

Malarkodi

... Petitioner

Vs.

The State Represented by,

The Inspector of Police,

Thiruppathur Town Police Station,

Vellore District.

.... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of her arrest in Crime No.1341 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.C.Prabakaran

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 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 294(b) and 506 (i) of IPC in Crime No.1341 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per defacto complainant is that the main accused namely A1 was introduced by one Saravanan stating that A1 is working in Rural Development Department and his wife A2 is the Commissioner of Thirupathur Municipality and the son-in-law of A1 and A2 who is the petitioner was working in Rural development as Regional Manager. Thereafter, A1 made a false promise that he was securing job in Government Departments and he is offering house plots in a cheaper price. Hence, the defacto complainant believing the false promise made by A1 that he will secure Government job, he has collected Rs.4,00,000/- from 10

persons, which amounts to Rs.40,00,000/-. Thereafter, he also collected Rs.92,50,000/- from 19 persons that he will offer house plots at cheaper rate and paid the same to A1. After receiving the said amount A1 neither secured the job nor registered the house plots and also failed to refund the amount. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is working as Assistant Commissioner in the office of the Municipality Thirupathur. He would further submit that in order to put the petitioner under pressure, the victims have stated that the money collected for the plots was handed over to the accused in the presence of the petitioner. He would further submit that the main accused person A1 was arrested and enlarged on bail by the learned Judicial Magistrate No.I, Thiruppathur, Vellore District in CrI.M.P.No.2315 of 2015 dated 03.09.2020. Hence, he prays for granting anticipatory bail.

4. The learned Additional Public Prosecutor submitted that totally there were 6 accused persons in this case and the petitioner is arrayed as A2. The petitioner along with other accused persons were collected a sum of Rs.13,25,000/- from the victims on the false promise of getting jobs in Government Departments and housing plots at cheaper price and cheated them. He further submitted that this Court had granted anticipatory bail to the third accused for the reason that he is the son-in-law of the present petitioner other than he has not committed as alleged by the prosecution. Hence, he vehemently opposed granting anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Taking into consideration the allegations and the fact that the the petitioner is the main accused in this case and that the custodial interrogation of the petitioner is essential, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

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-sd/-
05/11/2020

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 JUDICIAL MAGISTRATE NO.I,
THIRUPPATHUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
THIRUPPATHUR TOWN POLICE STATION,
VELLORE DISTRICT

CC to M/S. C.PRABAKARAN Advocate on payment of necessary
charges

CRL OP.17389/2020

Date :05/11/2020

RVR(GKS) :23/11/2020



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