

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.12.2020

CORAM :

THE HON'BLE Mr. JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.18605 of 2020

Prabhu Imanuvel

... Petitioner

Vs.

The State represented by
The Inspector of Police
F-1, Gummidipoondi Police Station,
Gummidipoondi,
Thiruvallur.
(Crime No.411 of 2019)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with Crime No,411 of 2019 on the file of the respondent police.

For Petitioner : Mr.M.Ramesh Babu

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

ORDER

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 25.09.2020 for the offences punishable under **Section 420 of IPC**, in Crime No.411 of 2019 pending on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with A1 and A2 requested the defacto complainant to give his car for monthly rent. Thereafter, they promised to pay of Rs.25,000/- per month as rent, two months they paid later, they did not pay the rent. Likewise they had collected 40 cars from various person. Further, all the offence period is from 30.10.2019 to 18.12.2019. Further, the petitioners sold the cars to third person and they cheated the defacto complainant and others and cheated an amount of Rs.2,00,00,000/-. After registration of the case 22 cars were seized as far as this petitioner is concerned, an amount of Rs.42,55,000/- siphoned out through his bank account and cheated them. Hence, the complaint registered.

3. The learned counsel appearing for the petitioner would submit that the petitioner being a brother of A1 and he is falsely implicated in this case. He would further submit that the petitioner had no role to play in this case, now he has been made as an accused. He would further submit that the petitioner's brother and his business partner approached this Court filed anticipatory bail application which is pending. He would further submit that he has been arrested on 25.09.2020 and suffering incarceration for more than 71 days and the petitioner would be entitled for statutory bail shortly. Hence, he seeks for bail to the petitioner.

4. The learned Government Advocated (Crl.Side) would submit that the petitioner along with other accused persons cheated the defacato complainant and others. He would further submit that the petitioner had taken 40 cars from various persons and on promise to pay Rs.25,000/- per month as rent. He would further submit that they have paid rent for two months, later, they failed to pay. Further, they were unable to be continued. He would further submitted that they have cheated more that two crores. The petitioner siphoned out and cheated through his account of Rs.44,55,000/-. He would further submit that the petitioners created forged documents and misappropriated the amount. He would further submit that 22 cars sofar recovered. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Considering the facts and circumstances of the case and also the fact that the petitioner along with other accused persons have cheated the defacto complainant and other and taken away 40 cars, created forged documents and siphoned out an amount of Rs.2,00,00,000/-. Further, they have created a forged documents and using the same, taken loans from the bank. The petitioner in connivance with others, had committed serious offence, hence, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

03/12/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE COURT,
GUMMIDIPONDY.

<https://hcservices.courts.gov.in/hcservices/>

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
F1-GUMMIDIPOONDI POLICE STATION,
GUMMIDIPOONDI, THIRUVALLUR.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

CC to M/S.M.RAMESH BABU Advocate on payment of necessary
charges

CRL OP.18605/2020

Date :03/12/2020

MN-15/12/2020



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