



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/01/2020

PRESENT

The Hon'ble Mr.Justice G.R.SWAMINATHAN

CRL OP (MD) . No.205 of 2020

1. Abdul Gafoor
2. Gaabigafoor
3. Navarin Gafoor

... Petitioners/Accused

Vs

State by
The Inspector of Police,
District Crime Branch,
Karur, Tamilnadu.
Cr.No.15 of 2019.

... Respondent/Complainant

Mathan Kumar

... Intervener/Nil/
Defacto Complainant
in CRL.MP (MD) No.279/2020
in CRL OP (MD) No.205/2020

For Petitioners : M/s. C.P.Palanichamy,
Advocate.
For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)
For Intervenor : Mr.S.Gokul Raj

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

PRAYER :-

For Anticipatory Bail in Cr.No.15 of 2019 on the file of the
Respondent police.



ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent and the learned counsel appearing for the intervenor.

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 120(B), 294(b), 406, 420 and 506(i) of I.P.C., in Crime No.15 of 2019 on the file of the respondent police, seek anticipatory bail.

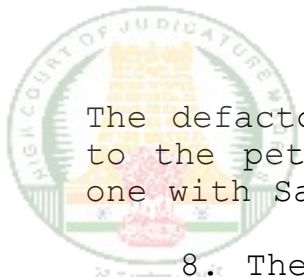
3. The case of the prosecution is that the defacto complainant is dealing in cars. The petitioners herein had entered into an agreement on 06.06.2019 with the defacto complainant. It is not in dispute that the defacto complainant had parted with a sum of Rs.48,00,000/- through RTGS in favour of the petitioners' company, namely, Pinnacle Vehicles and Services Pvt. Ltd. The petitioners are based in Kerala. According to the defacto complainant, he had parted with a further sum of Rs.29,00,000/- through RTGS in favour of one Shalimar Nanja and Rajshree Motors. Even though the amount was remitted to the petitioners either directly or to their nominees, the petitioners failed to supply the cars to the defacto complainant.

4. The petitioners on the other hand claim that they are also the victims at the hands of one Santhosh Rajpurohit. The petitioners' counsel had filed a typed set of papers in which the letters and mail correspondence exchanged between them have been enclosed.

5. The learned Government Advocate(Crl. Side) submitted that the respondent police endeavoured to resolve the issue amicably between the parties and that the petitioners had undertaken to settle their liability. But later the petitioners went back on the assurances originally given by them and they had also issued legal notices to the defacto complainant.

6. The learned Government Advocate(Crl. Side) states that the facts that have come out so far clearly reveal that apart from the defacto complainant, others have been cheated to the tune of a few crores of rupees. The police have to necessarily probe the role of Santhosh Rajpurohit also. He is absconding.

7. On a careful perusal of the materials enclosed in the typed set, it can be seen that Santhosh Rajpurohit had first contacted the petitioners herein and only thereafter a tripartite agreement was entered into with the defacto complainant. The learned counsel appearing for the defacto complainant also produced certain photographs to show that Santhosh Rajpurohit had identified himself as the agent and representative of the petitioners herein/Pinnacle.



The defacto complainant had directly paid substantial sums of money to the petitioners. The petitioners made it appear that they are one with Santhosh Rajpurohit.

8. The petitioners are not willing to clear their liabilities. The investigation is at the nascent stage. I am of the view that the grant of anticipatory bail to the petitioners will cause serious prejudice to the investigation. I am not inclined to grant any relief to the petitioners at this stage.

9. The criminal original petition stands dismissed.

sd/-
22/01/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
KARUR.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.C.P.PALANICHAMY, Advocate (SR-1186[I] dated 23/01/2020)
+1 CC to M/s.S.GOHUL RAJ, Advocate (SR-1303[I] dated 23/01/2020)

ORDER IN
CRL OP(MD) No.205 of 2020
Date :22/01/2020

PMU
TE/PN/SAR-I : 31/01/2020 : 3P/5C