



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/01/2020

WEB COPY

PRESENT

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

CRL OP(MD). No.737 of 2020

1. Mayilvahanan

2. Umaparvathi

... Petitioners/Accused Nos.1 & 2

Vs

State Rep.by

The Inspector of Police,

District Crime Branch,

Tiruenlveli District.

Crime No.45/2019.

... Respondent/Complainant

For Petitioners : M/s.N.Mohideen Basha,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

For Intervenor : Mr.R.Anand, Advocate

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

PRAYER :-

for Anticipatory bail in Crime No.45 of 2019 on the file of the respondent police.

ORDER : The Court made the following order :-

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

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 120(b), 406, 420 and 506(i) of I.P.C., in Crime No.45 of 2019 on the file of the respondent police, seek anticipatory bail.

3. The case of the prosecution is that one Ramasamy had lent a huge sum of money to the tune of Rs.1,07,00,000/- to the petitioners, based on the assurance given by him and that contrary



to the promise earlier held out, the petitioners have defaulted in the matter of repayment. Even though I do not find this theory of borrowal and lending probable, I am able to see that the first petitioner has engaged in what is called as online trading and committed default.

WEB COPY

4.I went through the letter dated 24.10.2019, sent by the first petitioner Mayilvahanan to the Superintendent of Police.

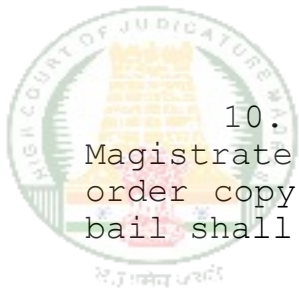
5.The learned Government Advocate (Crl.side) would also point out that two other complaints have been received against the first petitioner. It appears that in the first complaint, the victim had alleged that he had been cheated to the tune of Rs.4,00,00,000/-, while in the second complaint, the victim would claim that he had lent a sum of money to the tune of Rs.10,00,00,000/- to the first petitioner herein. It is obvious that the first petitioner was engaged in online trading. The petitioner's counsel on the other hand would give an attractive label "Collective Investment Scheme".

6.The intervenor's counsel would come out with an allegation that the first petitioner had promised huge returns and induced the victims to part with substantial sums of money. If the first petitioner is interrogated, it would be seen that he had engaged in money laundering.

7.The petitioner's counsel would rebut that such allegation is made in a sweeping manner and without any basis.

8.On going through the entire materials on record, I find that allegations have been directed only against the first petitioner. The amounts involved are large and the allegations are serious. To trace the money-trail, custodial interrogation is warranted. There are virtually no allegations against the second petitioner. The only crime committed by the second petitioner is that she gave birth to the first petitioner. Therefore, I am inclined to grant relief to the second petitioner. Anticipatory bail is granted as regards the second petitioner. Anticipatory bail is dismissed as regards the first petitioner. This criminal original petition is partly allowed.

9. Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on her appearance before the learned Judicial Magistrate No.I, Tirunelveli, and on her executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the second petitioner shall appear before the respondent police as and when required for interrogation. The second petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.



10. The second petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
21/01/2020

WEB COPY

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.MOHIDEEN BASHA, Advocate (SR-1096[I] dated 22/01/2020)

ORDER
IN
CRL OP(MD) No.737 of 2020
Date :21/01/2020

MS/PN/SAR-1/29.01.2020/3P.6C