



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 03/03/2020

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN
CRL OP(MD). No.3063 of 2020

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V.M.Premkumaran, ... Petitioner/Accused No.1

Vs

The Inspector of Police,
Thirumangalam Town Police Station,
Thirumangalam, Madurai District.
[Cr.No.397 of 2018] ... Respondent/Defacto Complainant

For Petitioner : Mr.A.Haja Mohideen,
Advocate.

For Respondent : K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

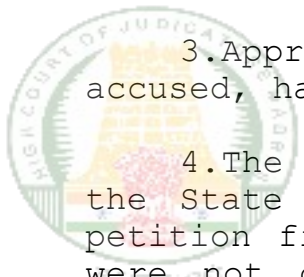
PRAYER :-

For Anticipatory Bail in Crime No.397 of 2018 on the file of
the Respondent Police

ORDER : The Court made the following order :-

This petition for anticipatory bail filed by the first accused
in Crime No.397 of 2018, dated 14.08.2018, on the file of
Thirumangalam Town Police Station, Madurai District.

2.The sum and substance of the complaint given by one Rengaraj,
S/o.Pitchaimani, is that the petitioner herein/A1 posing himself as
dealer and agent in groceries like Bengal Gram and White Gram, has
introduced the de-facto complaint to sell the products worth about
Rs.2,41,27,400/- to A5 under various invoices. However, he has not
paid the entire sale consideration. In the said transaction, to
gain the trust of the de-facto complaint, a sum of Rs.17,00,000/-
was paid as advance by A1, who is the petitioner herein and part sum
has been paid subsequently. But, however, on the whole, the balance
money was not paid. When the de-facto complainant approached A5 for
payment of balance money, A5 has informed that he has given
Rs.46,00,000/- to A1, Rs.1,00,00,000/- to Tamilarasan [A2] and
only Rs.50,00,000/- is balance to be paid. When this was brought to
the notice of A6, A6 has admitted that he is holding Rs.28,00,000/-
towards the goods supplied, unless and until the supplier and
purchaser settle their dispute, he cannot part away the money. In
the said circumstances, the respondent police has started
investigation, based on the complaint.



3.Apprehending arrest, the petitioner, who is arrayed as first accused, has filed this petition seeking anticipatory bail.

4.The learned Government Advocate (Criminal side) representing the State would submit that this is the third anticipatory bail petition filed by the petitioner herein and previous two petitions were not considered in favour of the petitioner. The de-facto complainant, who has filed intervening petition in the earlier bail petition through his counsel, submits that the contention of the petitioner that he was only acting as a Broker and Mediator and he has nothing to do with the transaction is utter false and only based on the promise and introduction given by this petitioner/A1, goods were delivered to A5. In fact, all the accused viz., A1 to A6 are hand in glove and connived among themselves to cheat the de-facto complainant.

5.The learned counsel appearing for the de-facto complainant would also draw the attention of this Court to an affidavit filed by A6 in CrI.O.P.(MD)No.16061 of 2018. In the said affidavit, there is a specific admission by A6 that out of total sale consideration of Rs.31,05,200/-, for the goods sold to him through A5, he has paid Rs.8,00,000/- to A1 and he is liable to pay only Rs.23,05,200/-.

6.It is the specific case of the de-facto complainant that the initial advance amount of Rs.17,00,000/- was paid only by A1 on behalf of A5 and he is the person, who has designed the crime of cheating the de-facto complainant by introducing him to supply goods worth Rs.2,41,27,400/- to A5. The material available from the FIR and the admission of the sixth accused indicates that *prima facie* case is made out against the petitioner/A1.

7.Since deep-rooted conspiracy alleged in the complaint and the *modus operandi* require a depth investigation and close interrogation, this Court finds that the petition seeking anticipatory bail, is unsustainable for fair investigation. Hence, this petition is dismissed.

Sd/-

03.03.2020

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

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TO

1. The Inspector of Police,
Thirumangalam Town Police Station,
Thirumangalam,
Madurai District.



2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.A.HAJAMOHIDEEN, Advocate (SR-4776[I] dated
04/03/2020)

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ORDER
IN
CRL OP(MD) No.3063 of 2020
Date : 03/03/2020

KK/04.03.2020/3P-4C