



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

Tuesday, the First day of September Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP(MD) No.7760 of 2020

V.NALLAKANI

... PETITIONER / ACCUSED No.4

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH POLICE STATION,
NAGARCOIL, KANNIYAKUMARI DISTRICT.
(IN CRIME NO. 18 OF 2019)

... RESPONDENT / COMPLAINANT

R.RAMADHAS

... PETITIONER/INTERVENER/DEFACTO COMPLAINANT
in CRL MP(MD)No.4285 of 2020
in CRL OP(MD)No.7760 of 2020

For Petitioner : Mr.R.SENTHIL KUMAR Advocate

For Respondent : Mr.A.ROBINSON,
Govt. Advocate (Crl. Side)

For Intervenor : Mr.G.V.VAIRAM SANTHOSH, Advocate

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

ORDER : The Court Made the following order :-

The petitioner, who is the fourth accused in Crime No.18 of 2019, on the file of the Inspector of Police, District Crime Branch, Nagercoil, apprehending arrest, has filed this petition seeking anticipatory bail.

2. The case in Crime No.18 of 2019 was registered on the complaint of one Ramadoss that he is a Practising Doctor at Tirunelveli. According to the complainant, he proposed to construct a Multi-Speciality Hospital and this petitioner and others approached him in the year 2018, assured that they would arrange some money for construction of his Hospital and collected the documents pertaining to his property, seven blank Cheques and also a sum of Rs.2,40,000/- as a deposit amount. They have also collected a sum of rupees One Crore, as their commission for arranging the loan. Hence, the complaint.



3. Heard Mr.R.Senthil Kumar, learned Counsel for the petitioner / A4 and Mr.A.Robinson, learned Government Advocate for the respondent / State. Mr.G.V.Vairam Santhosh, learned Counsel representing the defacto complainant has filed an intervening petition and the same was allowed and this Court has also heard his submissions.

4. The learned Counsel for the petitioner would submit that the petitioner is an innocent and has nothing to do with the commission of offence, alleged by the prosecution. According to the learned Counsel, it is the defacto complainant, who has obtained loan from the petitioner on various occasions and as the defacto complainant failed to repay the same, the petitioner has filed a suit in O.S.No.28 of 2019 before the III Additional District Court, Tirunelveli and the same is pending. The learned Counsel would further submit that this is a second anticipatory bail application and the earlier application in Crl.OP.(MD)No.17875 of 2019 was dismissed as withdrawn on 09.12.2019.

5. The learned Government Advocate (Crl. Side) has filed a detailed counter affidavit of the respondent / Police and would submit that the case in Crime No.18 of 2019 was registered as against 11 persons. He would further submit that the petitioner / A4 is having five previous cases to his credit, of which, two cases are pertaining to the offence under Section 420 IPC [Cr.No.47 of 2019, on the file of Chottanikarai Police Station, Kerala; Cr.No.14 of 2019, on the file of CCB, Tirunelveli], one case pertains to the offence under Section 302 IPC [Cr.No.545 of 2005, on the file of Perumalpuram Police Station], one case pertains to the offence under Section 506(ii) IPC [Cr.No.132 of 2006, on the file of Palayamkottai Police Station] and one case pertains to the Offence under NDPS Act [Cr.No.40 of 2006, on the file of NIB-CID, Thoothukudi].

6. The learned Counsel for the intervenor / defacto complainant would submit that the accused persons pretended together that they belong to National Bank of Australia, induced the complainant and cheated him to the tune of more than one crore, besides collecting the documents and blank cheques.

7. Considering the facts and circumstances of the case; the quantum of amount involved; and the previous antecedents of the petitioner, this Court is of the opinion that custodial interrogation is required to unearth the truth in this case. That apart, the petitioner has not made out any change in circumstances to entertain this second anticipatory bail application and in the absence of such change in circumstances, this Court is not inclined to grant anticipatory bail to the petitioner.



8. Accordingly, this Criminal Original Petition is dismissed.

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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 POLICE STATION,
NAGARCOIL, KANNIYAKUMARI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7760 of 2020
Date :01/09/2020

gk
AE/AKM/SAR-II (03.09.2020) 3P 3C