



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

Date : 08/09/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD).No.7667 of 2020

WEB COPY

1.YUSUF ALI

2.AMEENA BEEVI @ AMEENA

...PETITIONERS/ACCUSED NO.1 & 2

VS

STATE REP.BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
RAMANATHAPURAM DISTRICT.
CRIME NO.17 OF 2020.

... RESPONDENT/COMPLAINANT

For Petitioners: Mr.G.Karuppasamy Pandian,
Advocate.

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

For Intervenor : Mr.I.Sabeer Mohamed, Advocate

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

PRAYER :-

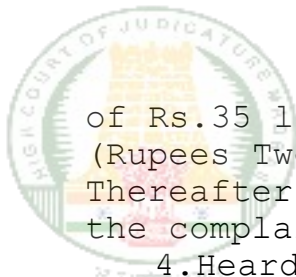
For Anticipatory Bail in Crime No. 17 of 2020 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

This petition is filed by the petitioners, who are arrayed as
A1 and A2, seeking anticipatory bail. Since the first petitioner/A1
was arrested during pendency of this Criminal Original Petition,
this petition was dismissed as against the first petitioner/A1, vide
order dated 19.08.2020.

2.Now, this petitioner is only against the second
petitioner/A2, who apprehends arrest at the hands of the respondent
police for the offence punishable under section 420 of IPC, in Crime
No.17 of 2020 on the file of the respondent police, seeks
anticipatory bail.

3.The case of the prosecution is that A1 is the son of the
second petitioner and A2 is the mother of the first petitioner and
A1 said to have received a sum of Rs.35,00,000/- (Rupees Thirty five
lakhs only) from the defacto complainant for business purpose. Out



of Rs.35 lakhs, the defacto complainant has transferred Rs.28 lakhs (Rupees Twenty eight lakhs only) to the second petitioner's account. Thereafter, both A1 and A2 were failed to repay the amount. Hence, the complaint.

4.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent.

5.The learned counsel appearing for the petitioners submitted that admittedly the petitioners are son and mother and there was a business transaction between the 1st petitioner and one Hyasudeen. The defacto complainant claims to be the employee of the said Hyasudeen but he knows nothing about the transaction. The dispute between the petitioner and the defacto complainant is purely civil in nature. The 2nd petitioner is no way connected with this case and she has been falsely implicated. Hence, he prayed for grant of anticipatory bail to the second petitioner.

6.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that out of Rs.35 lakhs, Rs.28 lakhs has been transferred to the second petitioner's account.

7.When the matter was taken up for hearing on 19.08.2020, after hearing arguments fully, this Court directed the 2nd petitioner to deposit a sum of Rs.15,00,000/- (Rupees Fifteen lakhs only) to the credit of Crime No.17 of 2020 before the concerned Magistrate Court, on or before 04.09.2020 and this matter was posted on 07.09.2020 for further hearing.

8.Today, when the matter is taken up for hearing the learned counsel for the defacto complainant submitted that so far the amount was not paid.

9.Considering the facts and circumstances of the case and considering the fact that out of Rs.35 lakhs, Rs.28 lakhs has been transferred to the second petitioner's account and this Court passed the order and directed the second petitioner to deposit a sum of Rs.15 lakhs (Rupees Fifteen lakhs only) to the credit of Crime No.17 of 2020 before the concerned Magistrate Court, but the second petitioner so far not paid the amount, hence, I am not inclined to grant anticipatory bail to the second petitioner.

10.Accordingly, this criminal Original Petition is dismissed.

sd/-
08/09/2020

/ TRUE COPY /

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



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

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

ORDER
IN
CRL OP(MD) No.7667 of 2020
Date :08/09/2020

VSD
JM/AKM/SAR IV/14.09.2020/3P/5C