



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

Date : 14/10/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.11167 of 2020

J.Nowshath

... Petitioner/Sole Accused

Vs

State represented by
The Sub-Inspector of Police,
District Crime Branch,
Karur District.
Crime No.16 of 2020.

... Respondent/Complainant

For Petitioner : Mr.M.Maran,
Advocate.

For Respondent : Mr.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.16 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner, who is the sole accused, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 406, 420 and 506(i) of IPC, in Crime No.16 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has received a sum of Rs.10,70,000/- from the defacto complainant for purchasing Bit Coin through online. But, the defacto complainant did not purchase the Bit Coin. Thereafter, the defacto complainant has approached the petitioner and asked to repay the amount, which was received by the petitioner. On 02.09.2020, the petitioner has approached the defacto complainant and gave a cheque, but the said cheque was bounced back due to insufficient fund. Thereafter, the petitioner said to have abused the defacto complainant by using filthy language and also threatened him with dire consequences. Hence, the present complaint.



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

4. The learned counsel appearing for the petitioner submitted that the petitioner has borrowed a sum of Rs.2,00,000/- from the defacto complainant, for which, the defacto complainant has also received Pro Note and two cheques from the petitioner. Thereafter, the petitioner has paid a sum of Rs.3,50,000/- to the defacto complainant along with interest, but, the defacto complainant has demanded exorbitant interest from the petitioner herein. Therefore, no amount has been invested by the defacto complainant for the purpose of Bit Coin business and only to escape from the clutches of law, he has lodged the present false complaint. He further submitted that on the complaint lodged by one Srinivasan, a case has been registered against the defacto complainant in Crime No.20 of 2020, for the offence under Sections 294(b), 323 and 506(i) of IPC and Section 4 of Tamilnadu Prohibition of Charging Exorbitant Interest Act, 2003. Hence, he prayed for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that totally there are three victims. The petitioner has received a sum of Rs.10,70,000/- from the defacto complainant and his friends under the name of the Bit Coin business and thereby, cheated them. Hence, the crime has been registered against the petitioner.

6. On perusal of the materials available on records, it is seen that according to the defacto complainant, on 17.08.2019, the petitioner has received a sum of Rs.5,50,000/- from the defacto complainant for the purpose of Bit Coin business. He has received a sum of Rs.3,00,000/- from one Pasupathy and also received a sum of Rs.2,20,000/- from one Tamilselvan for the same business. Thereafter, he cheated them and refused to return the said amount. It is also seen from the FIR, which was produced by the learned counsel appearing for the petitioner, on the complaint lodged by one Srinivasan, a case has been registered against the defacto complainant and others in Crime No.20 of 2020, for the offence under Sections 294(b), 323 and 506(i) of IPC and Section 4 of Tamilnadu Prohibition of Charging Exorbitant Interest Act, 2003.

7. Considering the facts and circumstances of the case and also considering the fact that there is a money transaction between the petitioner and the defacto complainant and there is no other serious allegation against the petitioner, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail <https://hcservices.hc.madras.gov.in/hcservices/> arrest or his appearance, within a period of two



2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

3.THE SUB-INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
KARUR DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.11167 of 2020
Date :14/10/2020

VSG
TK/SMA/SAR.2/22.10.2020/4P/5C