



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

Date : 24/11/2020

PRESENT

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

CRL OP(MD) . No.13362 of 2020

A.Mohamed Azarudeen

... Petitioner

Vs.

The State of Tamil Nadu,
The Inspector of Police,
Sengottai Police Station,
Tenkasi District.

... Respondent

For Petitioner : Mr.R.Prabhakaran
Advocate.

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

Prayer : For an Anticipatory Bail in Crime No.Not known of 2020 on
the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 420,
506(ii) and 465 I.P.C, seeks anticipatory bail.

2.Heard both sides.

3. The case of the prosecution is that the defacto complainant
lodged a complaint alleging that the first accused induced him to
invest money in the oil company. Believing the words uttered by the
first accused, on 06.09.2020, the defacto complainant paid a sum of
Rupees One Crore in the empty ground near Indira Kalyana Mandapam,
Courtralam road. Again the first accused induced him to pay another
sum of Rs.50,00,000/-, so that the profit will be more. Therefore,
believing the words of the first accused, the defacto complainant
paid another sum of Rs.50,00,000/- , on 08.09.2020, in the same
place. When the defacto complainant, asked about the investment
money in the business, the first accused along with the other
accused persons were threatened the defacto complainant with dire
consequences and also refused to return back the amount.



4. The learned counsel for the petitioner would submit that the petitioner is running a business at Qatar in the name and style of NKR Contracting and Trading involved in the business of software development, programing, installation along with trading. While being so, on the false complaint lodged by the defacto complainant, the respondent police called the petitioner for enquiry and he also attempted enquiry. While the enquiry, the respondent along with the defacto complainant threatened with dire consequences and also beaten up him and obtained signature in the blank stamp papers and also other papers. Thereafter, he was forced to admit the liability to the tune of Rs.20,00,000/-. In fact a whole day, the petitioner was illegally detained by the respondent and the respondent also snatched his mobile phone, ring and other jewels from the petitioner. In fact, the petitioner also lodged a complaint before the higher officials for taking proper action as against the respondent, while the complaint was pending, the respondent now registered the case.

5. The learned Government Advocate would submit that according to the defacto complainant he invested the money to the tune of Rupees 1.5 crores with the first accused, namely, the petitioner herein to invest in the oil company business and also assuring that share profit. Believing the said words, the defacto complainant paid a sum of Rs.1.5 Crores by cash on two occasions viz., 06.09.2020 and 08.09.2020. After receipt of the same, the petitioner did not pay any interest or profit to the defacto complainant and there by cheated the defacto complainant and the petitioner and other two accused threatened him with dire consequences. Hence, the respondent registered a complaint in Crime No.366 of 2020, under Sections 406, 420, 294(b) and 506(ii) I.P.C.

6. It is seen that there are totally three accused in this Case and the petitioner herin is arrayed as A1. On the complaint lodged by the defacto complainant, the respondent conducted enquiry and called upon the petitioner herein and also obtained signatures in the blank papers. Further the petitioner was compelled to admit his liability to the tune of Rs.20,00,000/-, to the defacto complainant. Thereafter, when the petitioner approached this Court for anticipatory bail, the respondent herein registered a case on 08.09.2020, with the allegation that the defacto complainant paid a sum of Rs.One Crore on 06.09.2020 and a sum of Rs.50,00,000/- on 08.09.2020 in the empty ground near Indira Kalyana Mandapam, Courtralam road.

7. On perusal of the FIR, the entire allegations are artificial in nature as far as a sum of Rs.1.5 Crore paid as cash that too in the open place on the road. The learned counsel for the petitioner would submit that already civil proceedings are pending at Qatar between the petitioner and the accused persons. In fact, the



their illegal action, before the higher officials and those complaints are also pending. Therefore, the complaint is nothing but clear abuse of process of law and no offence is made out as against the petitioner.

8. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Sengottai. on condition that the petitioner shall execute a bond for a sum Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police as and when required for interrogation.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

24/11/2020

/ 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



TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
SENGOTTAI

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT

3. THE INSPECTOR OF POLICE,
SENGOTTAI POLICE STATION, TENKASI DISTRICT.

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

+1. CC to M/S.R.PRABHAKARAN Advocate SR.No.7662

ORDER
IN
CRL OP(MD) No.13362 of 2020
Date : 24/11/2020

LS

PK/AKM/SAR-III/30.11.2020 : 4P/6C