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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/12/2020

PRESENT

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

CRL OP(MD). No.13971 of 2020

1. John Prakash

2. Shanthi

... Petitioners/Accused No.1 & 2

Vs

State Rep. by

The Inspector of Police,

Karaikudi North Police Station

Sivagangai District.

Crime No.639/2017.

... Respondent/Complainant

For Petitioners: Mr.S.Bala Karthick,
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. 639/2017 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 and A2, apprehending arrest at the hands of the respondent Police for the offence punishable under Sections 420 and 471 of IPC, in Crime No.639 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have collected a sum of Rs.19,00,000/- from two victims to obtain job in abroad. Thereafter, they failed to get a job in abroad and also refused to return the amount. Hence, the present complaint.



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

4. The learned counsel appearing for the petitioners submitted that the petitioners herein have borrowed a sum of Rs.1,50,000/- from the defacto complainant and they have paid the amount with interest. At the time of borrowel, the defacto complainant have obtained pronote and also unfilled deeds. After repayment of the said amount, the defacto complainant refused to return the same and also had demanded exorbitant interest. In this regard, the petitioner has filed a petition in M.I.O.P.No.2 of 2017 on the file of the Sub Court, Devakottai and thereafter, the same was transferred to Principal District Court, Sivagangai and it is pending. Due to which, a false case has been foisted against the petitioners. Hence, he prayed for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that totally there are two accused in this case, in which, the petitioners have been arrayed as A1 and A2. The petitioners have collected a sum of Rs.19,00,000/- from two victims to obtain job in abroad. Thereafter, they failed to get a job in abroad and also refused to return the amount.

6. On perusal of the materials available on records, it is seen that totally there are two accused in this case, in which, the petitioners have been arrayed as A1 and A2. The petitioners are son and mother. According to the prosecution, the petitioners have received a sum of Rs.19 lakhs from two victims to get job in abroad. Thereafter, they failed to get a job and refused to return the amount. Though the petitioners have received a sum of Rs.1.5 lakhs from the defacto complainant, after repayment of the said amount, they refused to return the pronote and also unfilled deeds, which were executed by the petitioners at the time of borrowel of loan. No piece of evidence to produce before this Court to the prove the same. It is also seen that the petitioners have filed a petition in M.I.O.P.No.2 of 2017 on the file of the Sub Court, Devakottai and thereafter, the same was transferred to Principal District Court, Sivagangai. Now the victims are not the party and only the defacto complainant was added as party. According to the prosecution, two victims have paid a sum of Rs.33 lakhs through defacto complainant directly to the petitioners. Therefore, the petitioners have cheated the defacto complainant and refused to return the above said amount.

7. Considering the facts and circumstances of the case and also considering the fact that the petitioner has committed very serious offence and the custodial interrogation of the petitioner is very much required, this Court is not inclined to grant anticipatory bail



8. Accordingly, this criminal original petition stands dismissed.

sd/-
09/12/2020

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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 INSPECTOR OF POLICE,
KARAIKUDI NORTH POLICE STATION
SIVAGANGAI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13971 of 2020
Date : 09/12/2020

vsg
JM/VR/SAR I/11.01.2021/3P/3C