



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

Date : 28/09/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) .No.18564 of 2019

A.Sahaya Maclean Augustine Roy @ Maklin Ray

...Petitioner/2nd Accused

Vs

The State rep.by,
The Inspector of Police,
District Crime Branch,
Nagercoil,
Kanyakumari District.
(Crime No.33 of 2018)

... Respondent/Complainant

For Petitioner : Mr.S.Balasubramanian,
Advocate.

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

For Intervenor : Mr.S.Madhavan, Advocate
for A.Balakrishnan, Advocate

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

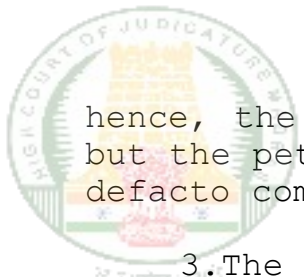
PRAYER :-

For Anticipatory Bail in Crime No.33 of 2018 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A2, apprehending arrest at the hands of the respondent police for the offences punishable under section 420, 406, 120(b) and 506(i) IPC, in Crime No.33 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there are totally three accused in this case. The allegation is that the first accused running a cashew-nut export business and induced the defacto complainant to deposit the money in his Company. Believing the words of the petitioners, the defacto complainant deposited a sum of Rs.64,74,000/- in their account. After the receipt of money from the defacto complainant, the petitioners did not send any cashewnuts,



hence, the defacto complainant demanded money from the petitioners, but the petitioners did not repay the money and thereby, cheated the defacto complainant. Hence, the complaint.

3.The matter has been adjourned several times on the request of the petitioner that, the husband of the petitioner is in abroad, as soon as he came back to India, the amount will be settled to the defacto complainant, but not settled. Once again the petitioner sought adjournment stating that she is going to sell a house property and settle the amount to the defacto complainant, considering the request several adjournments have been given. Now it is stated that the petitioner has transferred the house property to his close relative.

4.Considering the facts and circumstances of the case and considering the fact that the petitioner has not shown any *bona fide* interest to settle the amount, I am not inclined to grant anticipatory bail to the petitioner.

5.Accordingly, this Criminal Original Petition is dismissed.

sd/-
28/09/2020

/ 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 INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, NAGERCOIL,
KANYAKUMARI DISTRICT.
- 2.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.18564 of 2019
Date :28/09/2020

vsd

[https://hccvce.org.in/Services/2020.2020 : 2P/3C](https://hccvce.org.in/Services/2020.2020%20:2P/3C)