

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2021

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.18762 of 2020

K.Baskar

... Petitioner

Vs.

The State Rep. by

Inspector of Police,

EOW-II, HQRS, Chennai

(Crime No.1 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent police in Crime No.1 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Sathyaraj

For Respondent : Mr. C.Iyyappa Raj

Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 120(b) IPC r/w Section 5 of Tamilnadu Protection of Interest of Depositors (In Financial Establishments) Act 1997, in Crime No.1 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that the petitioner along with other accused had promoted two companies and collected a sum of Rs.1,03,900/- from the defacto complainant, on the assurance of paying double the amount within a stipulated period. Thereby, they have cheated the defacto complainant. Hence, the complaint.

3.Learned Counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and a false case has been foisted against him. He would further submit that this is the second anticipatory bail petition, the earlier application in Crl.O.P.No/12870 of 2020 was dismissed by this Court vide order dated 23.09.2020. He would further submit that the petitioner is an auto driver by profession and he is arrayed as A3 in this case. He would submit that one Neethidevan / A4 had promoted the company, and had obtained the petitioner's signatures in blank cheques and other documents on the guise of obtaining loan and later only he came to know that the petitioner is inducted as a Director. He would further submit that the petitioner himself was cheated by A4, hence, he had lodged a complaint against the said Neethidevan before the Commissioner of Police, Chennai on 13.05.2019 itself to show his innocence, whereas, the respondent police have closed the complaint lodged by him.

4.Learned Additional Public Prosecutor would submit that this is the second anticipatory bail petition, and after the earlier dismissal order of this Court in Crl.O.P.No.12870 of 2020, there is no change of circumstances. He would further submit that the petitioner is one of the Directors of the company and he is arrayed as A3 in this case. The accused have promoted two companies and offered fancy schemes to the public, thereby, they have collected a huge amount to the tune of Rs.4.75 Crores and cheated the gullible public. He would further submit that custodial interrogation of the petitioner is very much required and the respondent police is taking active steps to arrest the petitioner and to attach his property. He would submit that the investigation is in preliminary stage.

5.Taking into consideration of the fact and that the investigation is in initial stage and the custodial interrogation of the petitioner is required and also considering the fact that the petitioner along with other accused had cheated the gullible public to the tune of several crores and that after the dismissal of the earlier anticipatory bail application, there is no change of circumstances, this Court is not inclined to grant anticipatory bail to the petitioner.

6.This Criminal Original Petition is dismissed accordingly.

-sd/-
04/02/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)

<https://hcservices.ecourts.gov.in/hcservices/>

High Court, Madras - 600 104.

TO

1 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 THE INSPECTOR OF POLICE,
EOW - II, HQRS, CHENNAI.

CC to M/S.S.SATHYARAJ Advocate on payment of necessary
charges

CRL OP.18762/2020

Date :04/02/2021

MK:11/02/2021



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