



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/08/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.6372 of 2021

K.Jeyapaul Kasi

... Petitioner/Accused No.1

Vs

The State Represented by,
The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
(Crime No.148/2021).

... Respondent/Complainant

For Petitioner : Mr.VeilkaniRaju, Advocate
for Mr. Mohan Gandhi S.M., Advocate

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Cr1.Side)

For Intervenor : Mr.N.Dilipkumar, Advocate

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

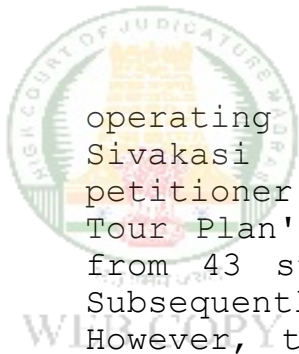
PRAYER :-

For Anticipatory Bail in Crime No.148/2021 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 alleged offences punishable under Sections 406 and 420 of IPC in Crime No.148 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the owner of a company named as M/s. Next Overseas Consultancy, which is a registered tour



operating company. The defacto complainant is the Correspondent of Sivakasi Lions Matriculation Higher Secondary School. The petitioner offered to take the students to America through 'NASA Tour Plan' and hence, the defacto complainant had collected amount from 43 students and 4 teachers and gave it to the petitioner. Subsequently, due to the pandemic situation, the tour was cancelled. However, the petitioner has not returned the amount. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner has made visa and other arrangements for 35 students and 4 teachers to visit America. The arrangements could not be made for 8 students due to the lockdown situation. However, the School Management had cancelled the Tour. Since the petitioner had already made arrangements and only then the Management cancelled the Tour, he is not in a position to repay the amount.

4.The learned Government Advocate (Crl.Side) appearing for the respondent, opposed this petition on the ground that the petitioner had collected huge amount from the students and it is yet to be recovered.

5. Considering the nature of offence, allegation against this petitioner and that the amount is yet to be recovered, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
23/08/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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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
SIVAKASI EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

ORDER

IN

CRL OP(MD) No.6372 of 2021

Date : 23/08/2021

RK/JN/SAR-III (08.09.2021) 3P 3C