



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

Date : 06/10/2021

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.8511 of 2021

1. PRADEEP
2. RAJALAKSHMI
3. KATHIRAVAN

... PETITIONERS/ACCUSED NOS.1,3&4

VS

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
CITY CRIME BRANCH (CCB),
TRICHY CITY.
CRIME NO.12/2021.

... RESPONDENT/COMPLAINANT

For Petitioners : Mr.D.S.Haroon Rasheed, Advocate.
For Respondent : Mr.T.Senthilkumar
Additional Public Prosecutor
For Intervener : Mr.M.Siddharthan, Advocate

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

PRAYER :-

For Anticipatory bail in Crime No.12 of 2021 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/A1, A3 and A4 apprehending arrest for the offence punishable under Sections 406, 420, 120(B) and 506(i) I.P.C, in Crime No.12 of 2021 on the file of the respondent police, seek anticipatory bail.

2.Since the petitioners 1 and 2/ A1 and A3 have already been arrested and granted bail by this Court in Crl.OP(MD).No.9590 of 2021 on 06.10.2021, this Criminal Original Petition is dismissed as infructuous as against the petitioners 1 and 2/A1 and A3.

3.The case of the prosecution is that the petitioners induced the defacto complainant to invest money in real estate business and received a sum of Rs.9,60,00,000/- from the defacto complainant and cheated him. Hence, the complaint.



4.The learned counsel for the petitioners would submit that the petitioners as well as the defacto complainant are known to each other from Singapore. Due to sudden medical expenses, the first accused borrowed a sum of Rs.Fifty lakhs from the defacto complainant on various days with 2% interest. The defacto complainant is a money lender. The first accused has repaid the said amount along with interest during the year 2018 to 2020 itself. He would further submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, he seeks for grant of anticipatory bail.

5.The learned counsel appearing for the intervenor would submit that the petitioners and the defacto complainant are known to each other from Singapore. The petitioners induced the defacto complainant to invest the money in real estate business and thereby, collected upto 9,60,00,000/- and cheated the defacto complainant. He would further submit that the accused have involved in hawala transaction.

6.The learned Additional Public Prosecutor appearing for the respondent police would submit that investigation is yet to be completed.

7.Though the learned counsel for the intervenor has stated that the petitioners have received money for real estate business from the defacto complainant, he has not produced any document. The respondent police is directed to verify whether any hawala transaction is made in this case. If it is so, the matter can be referred to Enforcement Department.

8.Considering the facts and circumstances of the case and the availability of material as on date, this Court is inclined to grant anticipatory bail to the petitioner/A4 on certain conditions.

9.Accordingly, this Criminal Original Petition is allowed and the petitioner/A4 is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No.IV, Trichy on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the petitioner/A4 and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner/A4 shall report before the respondent police

at the police station on 1/10/2021 at 11.00 a.m. until further orders.



[c]the petitioner/A4 shall not abscond either during investigation or trial.

[d]the petitioner/A4 shall not tamper with the evidence or witness either during investigation or trial.

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[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner/A4 in accordance with law as if the conditions have been imposed and the petitioner/A4 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
06/10/2021

/ TRUE COPY /

/ /2021
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 JUDICIAL MAGISTRATE NO.IV,
TRICHY.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE
CITY CRIME BRANCH(CCB), TRICHY CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8511 of 2021
Date :06/10/2021

USK/JM/SAR-II/(06.10.2021) 3P-5C

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