



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.16055 of 2021

WEB COPY

Shanmuga Anand

... Petitioner / 4st Accused

Vs

The State rep. by
The Inspector of Police,
Kundrakudi Police Station,
Sivagangai District
(Crime No. 136 of 2021).

... Respondent / Complainant

For Petitioner : M/s. Balakrishnan.R.,
Advocate.

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No. 136 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A4 who was arrested on 31.08.2021 for the offence under Sections 147, 120(b), 393 and 420 I.P.C, in crime No.136 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused cheated a sum of Rs.5,00,00,000/- from the defacto complainant by giving assurance that they would arrange a loan for a sum of Rs.10,00,00,000/-. Hence, the complaint.

3.The learned counsel for the petitioner claims that there is no specific overt act attributed as against this petitioner and the role of the petitioner as per the F.I.R is that he has recommended accused no.3 to the defacto complainant. He would further submit that there are paper clippings that this defacto complainant has brought Rs.5/- crores in the place of occurrence and the alleged amount belongs to him. But, the respondent police without taking any steps in the source for the alleged money from the defacto complainant, mechanically registered a false case against this petitioner. The petitioner is in judicial custody from 31.08.2021.



Hence, prays for bail.

4.The learned Additional Public Prosecutor would submit that the petitioner and other accused induced the defacto complainant that they would arrange for a loan if he is capable of making a payment of Rs.5,00,00,000/-. When the defacto complainant brought Rs.5,00,00,000/-, the accused persons conspired together and snatched away the said amount from the defacto complainant. Hence, the case has been registered. He would further submit that the investigation is in crucial stage. He would further submit that the investigating agency is taking steps to verify the source of income from the defacto complainant.

5.This Court considered the nature of offence committed by the petitioner and dismissed the earlier bail petition in Crl.OP(MD) No.14475 of 2021 on 28.09.2021. According to the learned counsel appearing for the petitioner, the period of incarceration is only changed and there is no change in circumstances elucidated by the petitioner. However, he would contend that the alleged amount was brought by the defacto complainant and the respondent police without ascertaining the source of amount, registered a false case against this petitioner. In this regard, the learned Additional Public Prosecutor submitted that the investigating agency is now looking into that aspect and also verified the source of income and also communicate the same to the Income Tax Department, which needs further custodial interrogation.

6.Considering the gravity of offence and the vehement objection raised by the learned Additional Public Prosecutor, this Court is not inclined to enlarge the petitioner on bail.

7.Accordingly, this Criminal Original Petition is dismissed.

sd/-
22/10/2021

/ TRUE COPY /

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

PNM/msa

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,
KUNDRAKUDI POLICE STATION,
SIVAGANGAI
2. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.16055 of 2021
Date :22/10/2021

SB/VR/SAR-III/28.10.2021/3P/4C